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SOME
REMARKS
UPON A
LETTER

ENTITLED,
*The Present State of Trinity
College in Cambridge:*

Written by
RICHARD BENTLEY, D. D. now
Master of the said College, to the Right
Reverend JOHN Lord Bishop of *Ely*.

WITH SOME
REMARKS

Also upon the
PREFACE pretended to be written,
and publish'd together with the LET-
TER, by a Gentleman of the *Temple*.

BY
Mr. MILLER Fellow of the College.

Nam doli, non doli, sunt nisi Astu colas.
Plaut.

LONDON, Printed for John Morphew
near Stationers Hall. 1710.

R. M. R. S.

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T O T H E

R E A D E R.

THO' there was no Occasion for Dr. Bentley's Letter or Preface, as will appear by what follows, yet there is for these or some Remarks, as well to vindicate the Reputation of particular Persons, as of the College, and in some Measure of all other Colleges in the University, from the Foul Imputation of being Men of profligate Lives, every way unqualify'd for the Stations they hold, stupid, lazy, neglecting all useful Studies, and of no Merit, squandering their publick Revenues in Luxury, and their own in Drinking, and Gaming. Page 7

For tho' the Letter Writer only says, that the Fellows of Trinity College in Cambridge are such, and that with Reference to his Accusers, and sometimes with a gracious Restriction to most of them; yet they being so great a Number, and the Doctor speaking without particular Distinctions, and when there is no visible Difference between his Accusers and others in any Respects, nor between those of Trinity and other Colleges; any Reader may naturally infer and conclude, (supposing what the Doctor says to be true) if such and so many are, most, if not all of the Fellows of all other Colleges are likewise guilty of the same Vices. Tho' this Scandal can meet with very little Credit, because the many Vices he has unluckily chose to charge 'em with, are most unfitly apply'd to the University in the Condition it is Page 13

The Preface.

at present, and has been for many Tears last past: I will not say but one or two of 'em might have fitted better in former Times.

There is Occasion also to contradict, or set in a true Light, many Matters of Fact, which he has falsely and deceitfully alledg'd; for though they are most of them impertinent to the Particulars of which he is and will be accused in the Articles, yet I would not have those that read his Letter, especially to whom, I hear, he has industriously distributed it, believe that he has been either a good or honest Master or Man.

As for the argumentative Part of it, tho' any Reader may easily perceive much weak and absurd Reasoning, not without some nonsensical and improper Expressions, and that from a Critick, yet no body can forbear now and then pointing them out, if it were, but for the almost natural Satisfaction of exposing a Man who has such a good Opinion of himself, as to have a mean One of all other Persons.

If the Reader here observes some Matters of Fact, which are but barely asserted contrary to the Doctor, and even some indecent Expressions, he is to consider not only the insufferable Provocations in the Letter, but that he is the first Assertor and Aggressor in this extrajudicial Way; and many general Assertions, especially as to the Characters or Abilities of Persons, can receive no other Answer, but must be left to the Enquiry of such Readers as shall think it worth their while. But this Remarker solemnly affirms, that whatever he has so asserted, is true either according to his own Knowledge or Belief, or the best Information he could get; and for his Veracity, he will not decline its being put in the Scale against Dr. Bentley's.

ON THE PREFACE.

THE Gentleman of the *Temple*, who Dr. Bentley would have People believe has such an *Esteem* for his Name, and was the Publisher of his Letter, says in his Preface, after a careful perusal of both the *Petition* and *Answer*, as he calls it, [*That the more he considered the Answer, the higher his Indignation was raised at the Malice and Impudence of his Accusers.*] He begins modestly, and much like a Gentleman; there are no less than thirty Persons who have actually subscribed the *Petition*, (besides more that are his Accusers) consisting of Doctors and Batchelors in Divinity, Masters of Arts, and Fellows of Colleges, Professors and Authors of several learned and ingenious Pieces in print, which he might have read, and, if he had, must approve. Yet he has conceiv'd high *Indignation* against 'em all, for *Malice and Impudence*, and all this upon no other Grounds than the Consideration of Dr. Bentley's *Answer*. This is contrary to the Custom of Gentlemen of the *Temple*, and such Societies, who at least suspend till they have Proof or Reason to make them believe on which Side the *Malice and Impudence* lies. If this Publisher be one of those Gentlemen, he is a very young one, and 'tis hoped will quickly learn to bestow his Consideration better than upon two such inconsiderable things as the *Petition* and *Answer*. The Design of the *Petition*

Some Remarks on the Preface.

Col. Stat.
cap. 40.

tition was only to acquaint the *Bishop of Ely* that *Dr. Bentley*, the present Master of the College, had committed several Crimes within the Statute, *de Amotione Magistri*; and that the Fellows, especially those who subscribed it, desired his Lordship, as Visitor, would take Cognizance thereof, promising within a convenient time to lay before him, in such Method as he should appoint, the Particulars whereby the Truth would appear; desiring, in due time, such Sentence as to his Lordship's Wisdom and Justice should seem meet. But before the Particulars are drawn up, or could be laid before his Lordship, for Reasons best known to *Dr. Bentley*, out comes this Answer; upon which the Gentleman has bestowed so much Consideration, and already pronounced Sentence, that *the Reader will at first sight find that there is not the least ground for the Pretence in the Petition*, tho' 'tis impossible for him to know the Particulars.

He says farther, *He has a List of the Subscribers Names, and has made it his Business to enquire after their Characters: And thus far he takes the Liberty to say, It is no wonder to find Enemies to the present Administration uneasy, under the good Discipline in their own College.* He has indeed taken Liberty to say much more than is consistent with Truth. Let him look over his List again, and enquire farther after the Characters of the Subscribers, and if he finds any true Representation of 'em, he will wonder more at his own Confidence, than at the Enemies he can find there to the present Administration. If he means the Administration of publick Affairs, and not of the College, let him enquire also what better Discipline there is or has been in the College since *Dr. Bentley's* being Master, more than there was before; under which he will not find any in his List that were ever uneasy. For it would be Injustice in them to own

it to be true, much less is it known to the whole Nation that *Vertue* and all manner of *Learning* have been encouraged by Dr. Bentley, as far as his Power could reach. 'Tis true, he never stretch'd it merely for those things; but I must say upon this Provocation, and I presume all others who have observ'd his Actions will agree with me, that he does not seem to regard such Matters, otherwise than as they may be coincident with his Vanity or Interest. Let not therefore any *Bystander* nor the Publisher be astonished to see some Gentlemen of the University, who (do not only pretend to but have *Learning*) by honest and true Representations endeavour to set that Person in his true Light, whose Character they never could think was the greatest, or any Credit to them; but he was the great Cause of continual Injuries and Disturbances to themselves or Friends.

But our Gentleman of the Temple seems sensible he has pronounced Sentence before hearing, and therefore is not now so positive, for he finds an Argument at least to suspend his belief of what was industriously, and he may say maliciously, reported to the Disadvantage of the Doctor. By this one may truly infer, that what he positively asserted before, about these Reports, was not according to his Belief; for he could not with Truth and Reason say he believed 'em, when he owns he had sufficient Argument to suspend his Belief. But to make the Contradiction more flagrant in this very Sentence, he positively affirms things were maliciously reported to the Doctor's Disadvantage. 'Tis no matter whether he suspends his Belief or no; but if he does, his Argument it seems is from the Doctor's preaching Boyle's Lectures, and from the most shining Names in the Commonwealth of Letters, who have mention'd Dr. B—— in their Books, with distinguishing Appellations, such as

vid. B. agt.
B.

they bestow upon few or none but himself. And he publishes another Edition with some Additions of those *Names and Appellations*. If I guess right at the Publisher, he has not read any of the Books, or if any mortal Man has read all of 'em, 'tis a thousand to one whether he wou'd have made such an exact Collection of those *Names and Appellations*; how then could he by any Importunity prevail with the Doctor's Modesty to let him have a Copy of 'em? Sure the Doctor has a design to revive 'em, being conscious lest his own *shining Name* shou'd grow rusty, by having been wholly wrapped up, since his great Preferment, in fordid Projects to get Pelf. If every Body was to take the Doctor's Method, and publish in print over and over again, all the civil things that ever were said or writ to him by Persons of Note, I believe they would fill more than half a Page in *Octavo*; and if such things, so easily procured, were to skreen every Man from the Accusation of any Crime, according to the Publisher's Logick, there would be more entitled to the Benefit of it than of the last *General Pardon*.

But notwithstanding these *distinguishing Appellations*, the Gentlemen of the University, and the Reverend Divines of the City, who publicly traduce Dr. Bentley, may, I know, have *Demonstration on their side*. And I suppose the Publisher means him by one great Ornament of their Order; tho' if he had writ Dr. B——, as he modestly did before the *distinguishing Appellations*, I should not readily grant he meant Dr. Bentley; for let the Publisher say whatever he thinks for his purpose, 'twas never agreed that he was any Ornament of their Order. However the Publisher is so kind to find out for them the only Excuse that is to be made for traducing him (if they will accept of it) which is, That the *present best Ministry does not escape their*

Some Remarks on the Preface.

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their severest Censures. He joins the Doctor and the Ministry as if they were Equals, or must stand and fall together! But how can the passing the *severest Censures* upon the *best Ministry*, be an *Excuse* for traducing a great Ornament of *their Order*? or how in any Case the committing of one Fault can be excused by the committing of another, I leave to the Man *supra caput sæculi sui doctus*, to explain.

I don't know that Dr. Bently has abused all the *present Ministry* in the State; some of them, it may be, have a tolerable Opinion of him, for most People appear very good, when in the presence of great Persons, who have it in their Power to prefer them: But if they knew his Arbitrary Proceedings in his Office, and his Behaviour to his Inferiours, which shew the true Man, they must conclude that he is a fitter Instrument for a *French* one; and for any good Principle, that ever I could hear come from him, I violently suspect that whatever shall be the *present*, will always be the *best Ministry* in his Opinion. But to the Publisher, who now, as he says, *must do this piece of Justice to the University as to say that the worthy Men there, and they are not a few* (he is to be thank'd for his Compliment) *have, as he is inform'd, the greatest Veneration for Dr. Bently: and indeed the Clergy at London, who are eminent for Learning and Piety, speak with all the Esteem and Respect imaginable of him.* This as well as most of the Preface would certainly have been taken for a Banter, but that People believe the Dr. himself had a hand in it. 'Tis hardly possible that the Publisher could be so inform'd; for it is notorious in the University, how rare it is to find any Man that has a good word, much less the *greatest Veneration* for that Person: As for the Learned and Pious *London Clergy*, the Publisher seems to speak with an Air, as if he had heard them speak of him those fine things

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things he mentions; but because I know many things he has before said in his Preface are not true, he must pardon me if I suspend my belief till I have better Authority. I desire the Reader to observe that the Word *Piety* is there apply'd to the *London Clergy*, and the Publisher has not the Assurance directly to apply it to *Dr. Bentley*, therefore I shall say nothing of him upon that Head till a farther Opportunity.

Now at last, for *the Reason of publishing these Papers*. The Publisher himself (who knows best) *had the Fortune to meet with a Copy of them among some Persons of Quality*, (it may be true) he says, *if he was ask'd the Reason, he should answer: because he thought it an inexcusable Fault to conceal them. For tho' Dr. Bentley's conscienciousness of the Good which he has done for the Society* (credat Judæus) *and the Tendernefs he had for the Reputation of some of the Accusers* (witness his distributing Copies among Persons of Quality) *might make him Averse to the Method the Publisher has taken; yet sure Malice and Falshood should not prevail, because an injured Person rests secure in his own Innocence, and does not vindicate himself publickly.* This is another Instance of his passing Sentence, tho' he had *suspended his Belief*. But who does he think he can make believe, that the Dr. was averse to this Publication? Will it not more readily be believed that he had that vain Imagination of the power of his Pen, with his strength of Logick and keen Satyr, that it would discourage or terrify every body from proceeding in the Accusation, and be forced to yield him and themselves to be as he has represented? and to this End he boasts how the Nobility especially, admire his *Letter*. For what other Reason could it be publish'd? How impertinent is an Answer before a Bill Interrogatory, or Articles exhibited! I can
guess

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guess at no other, unless it was that he had found out one Person in the World that would say in a Preface *he has a great Esteem for his Name*, and has the Assurance so nauseously and precariously to speak in his Commendation. Sure this *Publisher* must be his *Trumpeter*, who sounds whatever he puts into his Mouth; or 'tis possible it may be the Doctor himself, tho' the *Motto* is in the *Vulgar Horace*, (which Prophecy, as apply'd, I dare say will never be fulfill'd) and the *distinguishing Appellations* and *all that* are in praise of himself; for such matters are not sufficient to make it disbeliev'd: But what I think most probable, is that 'tis the Doctor and his Trumpeter both together; however I am sure this is true, that it is no matter *who* it is.

O N

ON THE
LETTER.

MOST People have such an Opinion of every Person in a considerable Station, (that before they know his Character) they generally believe what he says or writes, to have something of Truth and Reason; which makes it a Disadvantage to one who is engaged in any Controversy with such a Man, because it is expected he should give himself the trouble to contradict or refute every thing that such a Person asserts, tho' it has none of either. This makes it almost necessary to give a particular Answer to this Letter, tho' I am sensible 'tis as unpleasant a Task as a continual raking in a Dunghil.

To discover Absurdities, Impertinencies, Contradictions, false Quotations, weak Reasoning, false Colours, mean and crafty Evasions, scurrilous and scandalous Aspersions, vain, arrogant, impudent and false Assertions, if they were but few, wou'd be rather pleasant, as admitting some Raillery, and giving some Advantage over an Adversary; but when there is not a single Paragraph of above Three Lines in this whole Letter, where there is not some of these, it grows nauseous, and to take notice of 'em all wou'd be like the Labour of *Hercules* in the *Augean Stables*, however, I shall of most of 'em, Paragraph by Paragraph transcribing as much as is necessary.

The

Dr. Bentley's Letter.

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The first Four Pages are taken up with the Petition and the Subscribers Names, with a false Print or Two not worth mentioning. In the Fifth he says *he received it on Saturday last the 11th of February*; and I perceive his Letter is dated the 13th, Two days after. I would know whether Dr. Bentley does as other Persons do in any thing; if he does in this, People put dates to their Letters and not Letters to their Dates, therefore they are generally dated after they are writ, and the Place is often mention'd where the Writer is at that time, that the Receiver might know where to send an Answer: For tho' he was at Her Majesty's Library the 13th, if he means when his Letter was begun, he might have been at a fitter place before such a long one was finish'd. But I suppose he means the Letter was finished between the 11th and 13th, to shew the quickness of his Parts; but I think no body can believe him so quick: But if he did finish it in that time, he must have taken in *Sunday* to his assistance, and then great part of the Falsehood and Slander with which it will appear his Letter is so plentifully daubed, must be the pious Effects of a *Sunday's* Meditation.

But he immediately attacks the *Petition* first in general, and says *it is according to the known Abilities of the Compiler*. Whoever the Compiler was, I suppose he submits *his Abilities* to the Judgment of others that know him, and will not seek for, much less publish in print, *distinguishing Appellations from shining Names*, especially from abroad, when we have better Judges at home; and as for the *Looseness and Incoherency* of it, let it speak for it self, or let him prove it to have those Faults: But that it is a *Draught of General Accusations*, that till they shall be supported with particular Instances, can have no weight with his Lordship,

Some Remarks upon

ship or require any Answer, I readily, and all others concern'd, ever did agree: Neither was any Answer ever required of him; which shews the grand impertinency of the whole Letter. But that they
 p. 5: *deserve no other Answer but silence, I cannot agree in the Expression; for tho' there are several sorts of Answers, almost as many as Questions, and 'tis said chiefly of bashful Women silence gives Consent, yet I never knew among Men that silence was an Answer.*

As to the Circumstances of its coming before his Lordship, which the Doctor says, are so contrary to
 p. 6: *the due Forms directed and enjoined by Statute, that it would be utterly void and null (too) upon that account alone. There are no Forms, nor indeed any Petition either directed or enjoined by Statute; yet such weak Objections make it necessary to give some Account of these Circumstances; therefore it is not my fault if I am forced to trouble the Reader with a dull Narrative.*

After Dr Bentley, but for six years as he said himself, but from his Actions there is reason to believe much longer, had in view Two new Projects; one for altering the Proportion of the Dividends, the other for what he call'd a Composition for other Profits of his Mastership; which Two were design'd to raise his own Profits the first Step to near a 1000 l. a year, present or absent; and might serve afterwards to raise it to 1400 l. as his Trumpeter said he would, or to 1350, or as much more as he could get, and this from about 600 l. which he enjoyed and might have done to this day if he had been tolerable, or from about 400 l. which were the Statutable and usual Dues; and he had come to the Assurance to propose 'em to the Eight Senior Fellows for their Consent, or the Consent of the Majority of them; and that singly at his Lodge (which we here by an
 humble

humble Imitation call closetting) oftner than at a publick Meeting; and had been often deny'd, (for he is not so bashful as to take one or two denials) He then takes recourse to the Junior Fellows, (one and forty, he says, were of his *own admitting*) many of which he also closetted, and afterwards gives one of them a Paper to hand about to get Subscriptions to the approving of these *Projects*. 'Tis to be noted likewise, that he publish'd three Papers, on purpose to demonstrate the Reasonableness of them; tho' the Demonstration Papers were all contrary one to the other in the same Particulars. His Subscribers were but five Masters of Arts, and three that were but Batchelors, then lately chosen by him Minor Fellows; but eight! A small Number to clamour the Seniors into a Consent, if they had been so dispos'd; but they were very silent. But I must observe, that three of these five Masters of Arts were actually Batchelors in Divinity, (for whose and the Doctors of Divinity not forgetting the Master's profit,) the Alteration of the Dividend was also intended. One of the other had then only the Promise of the Physick Fellowship, whenever Mr. *Miller* should marry, the Master it seems being then of Opinion, that nothing but Marriage (unless some Crime or Death) could make him incapable of holding it; and the Person to whom it was promised used often to wish Mr. *Miller* were married, that *the Drudgery of the Lodge might be over*. The Fifth, was one the Master recommended to be Tutor to a young Nobleman; who succeeding very well in his Studies under his Care, he has gain'd Credit and Profit by it; tho' there are others to whom the Master has recommended more Pupils that would not subscribe for him; tho' that may be the only Reason they do not subscribe
against

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Coll. Sta.
Cap. 12.

against him. The other three being not yet Masters of Arts, by the College Statutes, when they are to take that Degree, they are to be re-examin'd, (tho' that and other Examinations during this Masters pretended Discipline were never made) as they were when they were elected Minor Fellows; and if they have made but little progress in good Learning, or have not behaved themselves well, or the like, they are to be expell'd; but if they have behaved themselves well in all things (a hard matter,) they are to be receiv'd into the full Right of Major Fellows.

Now the Master who is a Dragon at Examination as well as Interpretation, if they had refused to subscribe his Paper, ten to one but he would upon such an Occasion, have reviv'd that Examination; and it would have gone hard, if he could not have found out a Cause not to have admitted them Major Fellows. None but one of a mean Soul could have put such a Difficulty upon young Men as to ask them to subscribe, and that to a thing of so little signification; it was never done by the other Side. Thus much for Subscribers at present.

When the Master found that this neither had its desired effect, he again propos'd it to the Seniority, but without effect at divers Meetings; tho' during every Interval he work'd all he could, *vitiis & modis*; some of which will be particulariz'd in due place.

At last not being able to gain their Consent, about Christmas he told them he would lay all *Matters before the Queen and Council within a Week*, and that he laid before them *Good and Evil*, and bid them choose *Life or Death*, and from thence forward he said, *farewel Peace to Trinity College*, and bid them *look to themselves*, with many other such Expressions; but it was before

before this, that he had threatned 'em with the Resentment of Bishops, Archbishops, Lords and Dukes, who were all his Admirers; and had told one of the Seniors, that *he would dye in his Shoes*; and another, *that he was the College Dog*; and threatned a third with the Assizes, where Transportation was to be his least Punishment; because, about sixteen Years ago a Man had overdrunk himself in his Company, and died soon after with Symptoms of the small Pox. His frequent Appellations were Sots, Fools, and Loggerheads; so away he went to *London*.

It was the Recollection of a hundred Injuries which caused this Petition; tho' what he said to 'em at parting, was enough to make 'em think of some Method for their Defence: But having been something tedious upon this matter, I shall sprinkle some other of his Pranks as occasion offers, and only here mention what is necessary to my Tale.

Quickly after he was gone, it was agreed among some of the Fellows, to set their Hands to a Paper, desiring that his proceedings might be laid before the proper Judges in such manner, as Council should advise; though many were not in any Apprehensions from the Queen and Council; for they believ'd Dr. Bentley to have so much Discretion, as not to let his proceedings be known there, or to any great Men, if he could help it; but because the College had suffer'd a continual Vexation for almost ten Years together, and was likely to do the same as long as this *Disturber* was with them, (which they desired to be eas'd of by any possible means) partly for their own Defence this following Paper was soon subscribed.

WE whose Names are here under written, all of us Fellows of Trinity College in Cambridge, do disapprove of our now Master Dr. Bentley's

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ley's late Project of altering the Proportion of our Dividends; And of his excessive Demands of a Composition for the Profits of his Mastership; and of the unworthy and unstatutable Methods he made use of in Order to compass the same: And also of many other things by him done, since he became our Master; all which, or so many of them as can be recollected, and as Council shall think fit, we desire in behalf of our selves, and the rest of the College, may be represented to those who are the proper Judges thereof, and in such Manner as Council shall advise: Humbly craving such Determination and Sentence therein, as to the Wisdom and Justice of the said Judges shall seem meet.

W. Stubbe, D. D. and
Vicenr.

Patrick Cock, Sen. Fel.

Geo. Modd, Sen. Fellow.

Edw. Bathurst, Sen. Fel.

Nat. Rashleigh, Sen. Fel.

Tho. Smith, D. D. and
Senior Fellow.

J. Cooper, B. D.

Nath. Hanbury, B. D.

Ste. Cressar, D. D.

Abra. Jordan,

William Drury,

Matthew Barwell,

Will. Ayloffe, L. L. D.

*I concurr, in desiring
that all Matters men-*

*tion'd in this Paper,
be refer'd to the Cogni-
zance of proper Judges,*

J. Collbatch, D. D.

Ralph Welstead,

Edmund Miller,

Ja. Brabourn, B. D.

Griffith Williams, B. D.
*the second and third
Particular.*

S. White,

Will. Chamberlayne,

John Felton,

C. Middleton,

Edward Stubbe,

John Williams,

J. Paris,

With this, and the Management of the Cause, they intrusted Mr. Miller, who after advising with Council upon the College Statutes, found it something uncertain who was the general

neral Visitor; the Bishop of *Ely* being by recital, called so only in the 40th Statute, *De Amotione Magistrorum*; which not being an express appointment, was thought not sufficient to take it out of the Queen, who was otherwise Visitor, as Successor to the Founder; and by Usage it was found, that one Master had been brought before the Parliament; and in the Letter 'tis said, two Masters were before the Queen and Council: But those Instances are suppos'd to be for smaller Faults; because for great Crimes, such as are in the 40th Chapter of the Statutes, *De Amotione Magistrorum*, 'twas plain the Method was before the Bishop of *Ely*; upon which Reasons Mr. *Miller*, and Mr. *Felton*, went with *the Paper*, and presented it to that Bishop, and desired to know of his Lordship, in what Method he would be pleased to proceed; and moved him for an Order that they might have the free Inspection of the College Books to make out Articles against Dr. *Bentley*, which were design'd to be exhibited to his Lordship. My Lord told them, they should have it when they proceeded in Form; for tho' the Subscription was to bring Matters before the proper Judges, and he was the proper Judge; yet that Paper being not directed to him, he could take no Notice of it. Mr. *Miller*, and Mr. *Felton* perceiv'd there was Reason in what the Bishop said; and soon after *the Petition* was prepared, at first, with the Names of those who subscribed the former Paper inserted in the Title, like a Petition in Chancery: And no doubt, the first Paper was a sufficient Authority to put their Names to that, or any thing else that should be advised, towards the design'd Prosecution. But the Bishop desired it might be sent back, for the Fellows to subscribe again; because the Bishop said, it would otherwise look but like a Copy, and he

ought to have an Original: He objected likewise, that in the Petition he ought to be acknowledg'd Visitor, which was not at first done for the Reasons before mention'd: However he was after acknowledged Visitor in such manner as in the Petition, which was sent back upon the Bishop's Reasons, and return'd the next Post, and soon after presented with such an Addition of Subscribers as appears in the Letter; for some objected against the first Paper, as not being worded severe enough against the Doctor. And these are all

P. 5. *the Circumstances of its coming before his Lordship:* And if the particular Articles when exhibited, or one of them be good in Substance, within the Statute, and prov'd, he may in vain contend that the Petition, which is scarce so much as Form, or the rest of the Articles are void and null.

P. 6. However, tho' the Petition be but a Shadow, yet he is resolved to fight with it, (he fights best with Shadows) nay, he will transcribe it every
 P. 5. Word, and answer it all; not with silence, but Pa-
 P. 6. ragraph, by Paragraph; because he is fully persuaded, that this formidable Complaint, is the last Struggle and Effort of Vice and Idleness, against Vertue, Learning, and good Discipline. He thinks he has found out a new Way of Pleading which will serve against all Accusations: 'Tis but calling himself Vertue, Learning, and good Discipline, and aspersing the Accusers with the Scandal of Vice and Idleness, and there is an End of the Accusation, he ought to be acquitted, the last Struggle and Effort is conquer'd, and glorious Times succeed for himself; near a 1000 l. a Year from one Preferment, and that a Sine-cure, and without Charges or Reprizes, besides what more he may make of it hereafter.

P. 6. And if his saying would do it, he does make his Accusers the Subscribers, Vice and Idleness in the

the Abstract. An intelligent Reader need not be told; that in all Accusations the Merit of the Cause is only whether the Accused be guilty or not? no matter who or how many Accusers, or what induced them to it, or who is accused, if the Facts are proved by credible and legal Evidences. If therefore what Dr. Bentley says of the Subscribers, or Non-Subscribers, of their Number or Value, or of their *Vice and Idleness*, or of his own *Vertue and good Discipline*, were as true as it is false, it would not be a Tittle to the Purpose.

Yet I must answer a great deal of such stuff before I have done.

In this next Paragraph, there is a great Rarity, viz. the number of Falsities, most of them pregnant ones; I think, strictly speaking, there are no less than forty lye couch'd within Twenty continued Lines. He says the number of our Fellows are *sixty-five*, when there are but Sixty, *sint* Col. Stat. *Socii Sexaginta*: This, I suppose, was to magnify c. 1. the number of the Non-subscribers. Then, upon strict enquiry I can find no colour for him to say *there were Promises, Threats, and other unfair ways* P. 6. *used to procure them*, and therefore not one of them *can be proved upon Oath*. Mr. Miller, who carried the first Paper to most of the Subscribers, who were above, or about his standing, affirms, That all of them subscribed readily, almost as soon as it was tender'd and read; and many of them thank'd him for his Trouble in bringing it to them, and his Kindness in putting them in such a Method; I need except but two, who Mr. Miller owns made some Objections to some Expressions, besides the present Senior Bursar, mention'd in the Letter, that objected that his next Senior had not subscrib'd; but he soon did it upon promise, that if he did not, his Subscription should be blotted out. He said some Weeks after, he wish'd

- P. 35. himself a thousand Mile distant ; but never, that he was *Hector'd into it by Cursing and Damning*. Five others did not subscribe till the Petition was tender'd. Mr. *Miller* sent that from *London* ; but it being return'd subscribed the next Post after it was sent, there is no reason to believe but it was done with the same Willingness, till it can be found that somebody besides the Doctor says the contrary : But the Reader must have more Impertinencies concerning the Subscribers. One, he says, *was dead before the Paper was presented*. What if he was ? he is so marked by the Presenter ; he lived to subscribe both Papers ; and if all the Subscribers were dead, but one, that was resolved to prosecute, the Merits of this Cause would not fail either for want of Form or Substance. 'Tis false, that *two more were no Members of the College when they subscribed* ; for if he means any body, he must mean Dr. *Broderick*, the Speaker's Chaplain, and Mr. *Miller* ; the first, about Six Months since, only resigned his Conduct's Place, that he might take his Doctor's Degree the cheaper ; but he continued then Member of the College, and a Party injured by the Master's stopping the Dividend, which always has a retrospect, and goes to those in proportion who were Fellows or Conducts the Year before it is voted.
- P. 6. The second, Mr. *Miller* (as far as his Declaration alone is valid) he declared no Fellow, merely because he had subscribed, and was the occasion of others doing it, for he had subscribed the first Paper before that notable Declaration, and his Name was on the Buttery-board when he subscribed the second ; which, in his Sense is being a Fellow, or at least a Member of the College ; however, he is a Party injured, if it were but upon the same account with Dr. *Broderick*.

Dr. Bentley's Letter.

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'Tis false, that *three others subscribed in such Expressions as they do not joyn in the Accusation*, see the Subscription. Next he says, *two more have not resided in College during all his ten years*: One has been at London, and the other but about Thirteen Miles from Cambridge, and have had very true Information of his Proceedings. 'Tis false, that *more of them have been absent, much the greater part of the time; two of them order their Subscriptions by Letter, without having seen a Copy of the Paper*: One of them had a Copy of the first Paper, and both an Account of the Design of the second. *Several of them have since acknowledg'd they mistook the Design of it*: The Design is very plain, and if several of them had acknowledg'd their Mistake, I believe I must have heard of it, till I do I must suspend my belief. *Six more have been under College Censures for Immoralities and Crimes*: One of these that he must mean was indeed under College Censure, but 'twas only for owing them some Money; the other five were only under his own Censures, because he heard they talked against his Arbitrary and selfish Practices. And if owing the College Money, and not submitting to his Will in all things are *Immoralities and Crimes*, then one of his five Subscribers is guilty of owing a greater Summ, and another of them notoriously of not unjustly obeying his Will; and another, tho' he can't be prevail'd on to Censure him, of a real Crime.

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P. 7.

But lastly, With his collected force of Scandal he knocks down all the rest of the Subscribers at a Blow.

The Remainder, he says, are Men of such profligate Lives, so unqualify'd every way for the Stations they hold, that your Lordship will be apt to wonder that such Men are suffer'd there, much more that they dare accuse, till you are told that they cannot be

P. 7.

Col. Stat.
c. 38.

statutably expell'd without the Consent of their own Majority. This is a very comprehensive Sentence, for Men of such *profligate Lives* must be such as are abandon'd to all manner of Wickedness, and have no regard either to religious or moral Virtues; and by being unqualify'd every way for the Stations they hold, they must be guilty and convicted of all the greater Crimes for which the College Statutes require Expulsion; among which are Heresy and Simony, *Læsæ Majestatis crimen*, Perjury, notorious Theft, voluntary Homicide, Whoredom, Adultery, Rape, Incest, with some other too tedious to mention; for by the Words of the Statutes, unless they are convicted of these, they are not *every way*, or of one of these they are not *any way* unqualify'd, after they are once chose to be Fellows; besides, as they have Livings with Cure of Souls, as ten of the whole number have, and two others Dignities in the Church, One of which is also a Professor, the other, and One more, have had for several years Publick Offices by the Choice of the University; and fourteen others are in Holy Orders, some of which are Chaplains and Curates, and there are six Doctors (and one of Law) and four Batchelors of Divinity, I can't distinguish who he aims at, but all these to be *every way unqualify'd for the Stations they hold*, must be likewise condemned as guilty of those Crimes for which they respectively may or ought to be deprived of their Degrees, Orders, Livings, Dignities, and Offices.

Tho' this Scandal extends so far, yet I believe not farther than his Malice, neither do I think, because he says *most of the Remainder* are such, he therefore means to except any; if he did, there remain too many of too good Credit to be loaded with such a heap of Crimes without distinction, and that by a Man in Orders, a Master of a College

lege, and one who even in his own Conscience must know that those scandalous Aspersions are false. If I should mention to him Charity, or any Christian Vertue, I should expect to be held by him in high derision; but sure he is a Man that lives in a Civil Society, under a National Government, and has yet need of the common Benefits of it; and if every body shou'd give such Language, and it should be as often return'd, as it is probable it would, neither the Queen's Guards, nor the Parliament could be able to keep Peace and Order. If these Men were such as he represents them, *his Lordship will indeed be apt to wonder* they are suffer'd there; but much more that they are suffer'd by him who is their Master: for if he is what he calls himself, *Vertue and good Discipline*, why did he not endeavour at least to expel these Monsters of Wickedness? for tho'tis true that *they cannot be statutably expell'd without the Consent of their own Majority*; yet 'tis as true, that any one Person may accuse, and demand Justice against them of the Seniority; and 'tis but a crafty Insinuation, that upon account of their *own Majority* they patroniz'd one another, and the rest in all manner of Wickedness; when I dare affirm that he never once attempted to proceed in a statutable manner against so much as One of 'em, for any of the greater or lesser Crimes; all that ever he did in that nature being, when they deny'd him any thing that he ask'd, to tell one or other of them, that he could prove some slight thing against him, and bid him look to himself; so that if these be such bad Men, he must be as bad a Master; but *that they dare accuse! hinc illæ lachrymæ.*

P. 6.

P. 7.

Here a Reader that did not know him, would believe he had been in the highest Rage; yet 'tis cool Malice, otherwise he could not so of a sudden

P. 48.

den descend to the meanest trifling. He says *The Paper is thus Endors'd by them*, (no doubt by all their Hands or Heads laid together.) *The Petition of the Fellows* which, he says, in *Common Sense and Language* ought to signify no less than all the Fellows; others say nay, for it may signify only those contain'd in the Petition to which it refers. 'Tis enough to amaze an ordinary Reader, to find that this learned Criticism shou'd be made only upon an *Endorsement*, which every Clerk after he has copy'd any Case writes by way of *Memorandum*, to distinguish it from others that may be tied up in the same Bundle. Mr. Miller's Clerk is a *Welchman*, and is very angry with the Doctor for carping at the *Endorsement*, and having a particular Aversion to *Yorkshire Men*, designs to write a severe Treatise against him upon that Subject, not forgetting what he says too of another Copy of his, *that 'tis like a Bill in Chancery, without Pointing or Commas*; therefore for a farther Answer in these Points, I refer the Reader to that Treatise when it comes out: In the mean time I desire him not to over look an extraordinary piece of Manners in the Doctor, that he lets the Bishop's *Endorsement* escape free from Censure. His next Observation is *that what was named in the Endorsement the Petition of the Fellows, now dwindles into the Petition of many of them; and yet the others who refuse their Concurrence to this Accusation, are not only superior in Number, but much more so in Worth and Reputation, being the very Flower and main Hope of the College for their Learning and Sobriety*. Any one that knows the Persons, as well as the Assurance of the Writer, will easily believe, if these had subscribed against him, and the others not, that the *distinguishing Appellations*, on both Sides, would have been contrary apply'd; but since at present I have no true Scales to

to weigh the Worth, Reputation, Learning or Sobriety of so many Persons, nor none I can borrow; till such are to be had, I will be content that they shall be reckon'd equal on both Sides; and observe another crafty Insinuation of his, that all that have not subscribed against him are for him; and accordingly he prints a List of their Names, without the Approbation of scarce any of them; which I beg leave to take notice of in this Place, and then I hope we may have done with this impertinent Objection about the Subscribers.

P. 87.

There are but six in his List that Mr. *Miller* ever ask'd to subscribe; not one of which but did openly, and do still upon occasion, disapprove of many of the Master's Proceedings, as much as Mr. *Miller*, or any body else can. But all did not disapprove of the new way of Dividend, six of that List were to gain by it, and why should they particularly complain? Tho' there are about the same Number in the other List, that would have been also Gainers, yet generously do. Fourteen others were not resident in College, but had been for some time in their several Employments in the Country, eleven of which I hear declare against him; six of the rest are not yet Masters of Arts, and therefore 'twas ungenerous to ask 'em; many others have been, and expect to be, oblig'd by him; besides the general Obligation which thirty of 'em have to him for chusing 'em Fellows or Conducts. One also appear'd against him before the Bishop, and another, by Name Mr. *John Williams*, subscribed the first Paper against him, and sent his Consent to Mr. *Miller*, by Letter, to put his Name to the Petition, which Mr. *Miller* did not receive till a Day or two after it was presented; but he acquainted the Bishop of it; and, 'tis to be presumed,

P. 7.

presumed, his Lordship will give him leave to add that Name when he pleases. Then Dr. Bentley must allow the *Subscribers* to have some *Learning and Sobriety* among them.

P. 8.

One would think there was Authority enough to *Petition in behalf of the rest*, for one may be allow'd to take care of those who will not do it of themselves; besides they are to be Sharers in the common Benefit the College will reap by it. And considering what has been here said of the *Non subscribers*, on which side is the *Calumny and Impudence of the Expression*? That it's notorious in fact, that the rest who have not subscribed disown and disclaim the whole Proceeding; and most of them, if there was occasion, would subscribe an Address to his Lordship, in Terms quite contrary to this Complaint. The modest Doctor has tryed the College twice that way already, and 'tis well known, with all his Artifices, could get but eight; in effect but five, such as before mention'd; and in Words only that they approved of the new Project of *Dividends*, and an honourable *Composition* for his other Profits; not a Word how much his Dividend or Composition was to be, nor any Terms contrary to those in the Complaint. And 'tis probable, if the Particulars of his Demand had been mention'd, or any good Character given of him, not above one or two would have subscribed at all; yet he had the Advantage of about two Months before the Subscription against him was thought on. Soon after which he made another faint Attempt to get a new one for him, but some that are Non-subscribers against him, tho' they have been obliged by him, said they would starve before they would subscribe for him. What the Terms were, or were to be, I know not; I challenge him to try them again, which he ought not to refuse, because, according to his own Argument,

gument, there is occasion. And I must own it would be something for his Reputation, if many did it in Terms contrary to the Complaint; tho' in Justice, as I said before, it is of no Signification who subscribes for or against him.

He seems to be mightily concern'd that the Petition does not own the Bishop general Visitor; the Reason I mention'd before; but if it did, how he threatens that *perhaps* he would complain against *this lewd, illiterate, seditious Gang*, as he scurrilously calls them, for the Lord knows what. He may easily find a proper Authority, when he pleases, to redress such Grievances, if there are any. But I believe threatening was the true Design of his Letter: He has had Success that way formerly, and I believe expects it now, but in vain. The College would have been glad if they had been certain some Years ago who had been their general Visitor, and it would have been better for him; for then, it may be, he might have been in some awe, and a reprimand or two might have kept him in tolerable Bounds, and prevented his running Riot into the Statute of Expulsion.

He now argues as nicely upon the Form of presenting the *Petition*, as he did learnedly upon the *Endorsement*. He says, *Edmund Miller was Statutably ejected out of his Fellowship the 10th of January last, for Incapacity* (which may be Stupidity, for any Explanation he gives of it) *and therefore he has no Right to offer it to his Lordship, being unqualified; for by the express Words of the Statute, on which they proceed, he says, The eight Seniors, and no others, are in Person to lay open the whole Matter to the Visitor.*

I may here observe this Doctor of ours has such Penetration, that he can spy any Words in a Statute, and call 'em the express Words if they make for his Purpose; and, for the contrary Reason, he

P. 8.

Ibid.

P. 7.

P. 9.

P. 9.

can overlook many, and leave 'em out; one of these, I may say, he has done, as to every Statute he has cited in this Letter, except that about *the sealing Money*, and except the old Statutes of King *Edward* and Queen *Mary*; as to which I will not lay the same Charge upon him, because I never saw either of 'em to prove it. And 'tis violently to be suspected, he would have done the same as to the Statute of *Sealing Money*, if the true Words had not been directly for him. Now one that has not the highest *Academical Degree* cannot possibly spy *No Others* or *In Person* to be the *express Words* of the 40th Statute, nor any Words of that Nature. What he cites out of King *Edward's* Statutes, if true, is not of any Force; the Statutes themselves not being so, because we have had later Statutes in Queen *Mary's* time, and others since, in Queen *Elizabeth's*, by which only we are governed; scarce any of the Fellows having ever seen or read the other: The Master, only of late, mentioning here and there a Scrap, sometimes for his own Purpose, and sometimes unwarily against it. So that I do not see but there may be a *Petition* or *Accusation* against the Master, without the Seniors, or the major part of them, going on Crutches, or in Horse-Litters, as they may be necessitated to do, *in Person* to present it; and if they are not oblig'd to that, no body else is *unqualify'd* by Law to do it, by their Authority; and if the Post-Boy had done it, 'twould have been as legal, tho' not duly respectful to the Bishop.

His next Objection is, *If Edmund Miller has no Right to present it, he has as little to subscribe it. The Subscriptions of him, and others above the number of the eight Seniors, are so far from giving more Force and Weight, that they invalidate and void it.*

This

This is as strong an Argument, as if a Statute should say, that if he was guilty of one Crime in it, he should be expell'd, and when it is proved that he is guilty of more, he should argue that he ought to be acquitted. If a Man marries two Wives, he is within the Statute which makes Polygamy Felony, but if he marries three he is not; this I have heard Country Fellows say, and by this way alone he may acquit himself. But the Publisher, if he was only a Student in the Temple, would have told him, it was a Rule in Law, if the harshness of the *Latin* would not offend him, that *Surplusagium non nocet*; tho' it wou'd be difficult for him to find what Law says a Man has *no Right to subscribe a Petition*. *The eight Seniors alone*, says he, *are by the Statute declared to be the proper Complainers*. 'Tis false that the Statute declares any to be proper Complainers, as to the Articles which he knows we proceed upon; and as false that the Word *alone* is in the Statute. But his Reasons to support this Assertion, are as false as the Assertion it self; *For*, says he, *the Seniors alone can know Matter of Fact in all Affairs relating to the Government of the College; the Master, and eight Seniors, debate and determine all those Transactions in private Meetings; and upon Penalty none is to reveal what passes*. As if others may not know such Facts by the College-Books, as well as by the Publication of his or their Determinations or Orders, which are frequently made at the Hall Skreens; if not published, how can they be obey'd? And do not they reveal more by word of Mouth? as they may; for the Penalty (which he designedly omits) is only such as the Master, and major part of the eight Seniors shall inflict. And the Sense of the Statute is only to restrain them from revealing any indecent Words or Actions, which perhaps in

P. 9.

Ibid.

Ibid.

Coll. Stat.
Cap. 11.

matter, which I here insert verbatim, for the Satisfaction of the Reader.

De MAGISTRI (si res exigat) AMOTIONE.

Cap. 40.

Quoniam Capite gravi aliquo morbo laborante cætera Corporis membra vehementer quoque vexari solent; idcirco Statuimus & Ordinamus, ut si Magister Coll. in suo Officio obeundo admodum negligens & dissolutus repertus fuerit, aut de inbonestæ vitæ ratione aut incontinentiâ suspectus fuerit, per Vice-Magistrum & reliquos septem Seniores, aut per maiorem partem eorum, quorum Conscientia quantum possumus in hac re oneramus, sicut Domino Jesu rationem reddituri sunt, cum omni lenitate & modestiâ admoneatur: quod si hoc modo admonitus non se emendaverit, secundo similiter admoneatur: sin autem neque tum quidem resipuerit, Vice-Magister & reliqui Seniores, vel major pars eorum, rem omnem Visitatori Episcopo Eliensi, qui pro tempore fuerit, aperiant; qui eam diligenter cognoscat, & cum æquitate definiat. Cujus Sententiæ Magistrum sine ulla appellatione omnino parere volumus, sub pœnâ loci sui in perpetuum amittendi.

Porro si dictus Magister coram dicto Visitatore, aliquando examinatus, & vel de Hæreseos, vel Læsæ Majestatis crimine, vel de Simoniâ, Usurâ, Perjurio coram Judice commissio, Furto notabili, Homicidio voluntario, Incestu, Adulterio, Fornicatione, Dilatione bonorum Collegii vel de violatione Statutorum ejusdem, vel denique de alio quovis consimili crimine notabili coram prædicto Visitatore legitime convictus fuerit, sine morâ per eundem Vice-Magistrum Officio Magistri privetur: neque ullam ei Appellationem, aut ullum aliud juris remedium permittimus, sed cuncta quæ in hac causâ tentaverit, irrita esse volumus, & decernimus ipso facto.

Upon

Upon the latter Branch of this Statute, who can say that an *Admonition*, *Petition*, *Subscription*, or even *Articles*, are necessary? but that the Bishop may, if he pleases, *ex Officio*, examine him to these Crimes; tho' perhaps it might look too officious to do it without some Complaint; and as it was respectful to the Bishop to complain by way of *Petition* and *Subscription*, so it is convenient soon after we can get the rest of the College Books from the Doctor, to exhibit *Articles*, that the Bishop may know to what Particulars to examine him; and that *those Articles* should be in form of Interrogatories, because the Statute points it out by the Word *examinatus*. How great therefore is the Impertinence of his Objections about the form of the *Petition*, the *Subscribing* and *Presenting* it, and also what he has said as to the number and value of the *Subscribers*!

But what he says next is indeed surprizing, *How could he be admonish'd? These very things now objected as Crimes being hitherto acknowledged both at home and abroad as great Benefactions, and the difficulty of the Master's obtaining them increas'd their Value.* This would not be only *wrong and defective in all its forms*, but in substance also, to petition to expel a Master for *acknowledg'd Benefactions, increased in value by the difficulty of obtaining 'em.* Whether this Turn of his be a spice of Modesty, or he be disposed to joke, is uncertain; but how any at home who have read the *Petition*, or abroad, that I suppose never have, *can acknowledge the things there objected as Crimes to be great Benefactions*, neither I, nor I believe he or any body can imagine. He might with more truth say, that 'tis every where *acknowledg'd*, that he has consumed almost his whole time and pains in doing things which have *obtain'd*, and merit an Accusation; and the base Methods he us'd to compass 'em, which be-

P. 11.

Ibid.

Ibid.

cause there was some Opposition to them, he calls *Difficulties*, do very much increase the Guilt.

P. 11. Having asserted *these Crimes to be Benefactions*, he may safely say, *he does not insist on the Exceptions, as if he declin'd an enquiry into his Conduct*, but even invites them to go on; yet his Heart soon fails him, for two or three Lines after he saves to himself all rights, and at last he insists upon both the *want of form and want of Sense*; so I hoped he would have taken no more such fatal Exceptions, but since he does, I must answer 'em as well as I can.

ibid.

P. 86.

This is the most unfortunate Petition that ever was penn'd, that not only the Presenting, Subscribing, and even the Endorsement and Direction should be wrong, but that there should be such a Blunder in the first two Lines of the Body of it; he says 'tis impossible *all the Fellows and Members of the said College, could have lived with Respect and Love to their former Masters*; nay he is sure it could not be *Masters* in the Plural, because *he admitted all the present Fellows but twenty four*, and there are but ten of those that lived under above one other Master. Those that would seem above common sense, are generally as troublesome as those that are below it. Can these Words, *the Fellows, and all the Members of the said College, having for many years lived with Respect and Love to their former Masters*, be meant any otherwise than that the former Fellows in their respective times, lived for many years with Respect and Love to their former Masters, in their respective times? What is more common, than to make a Construction *respectivè, reddendo singula singulis*? Could any Master of the College take the meaning to be, that all the present Fellows and Members lived for many years with respect to their former Masters, when he knows all the Fellows and Members never yet continued the same for half

half a year; but this it is to provoke the Rage of a Critick.

But he says, *'tis no great Commendation if they did love and respect their former Masters, because then they had no share in the Government*; and if this be a Reason, then all now who have no share in the Government must love and respect him, *cujus contrarium est verum*. But he finds no Tradition of their Love and Respect to former Masters, and gives a dismal instance to the contrary, of his last Predecessor but one, Dr. North, who about 1680. when he endeavour'd to restore a little Discipline, was so affronted and provoked by these Men or their Con- or Contemporaries, that the Passion threw him into an Apoplexy, and not long after cost him his Life. You see He is a very good Galenical Divine; but the true Account from those who were of the College in Dr. North's time, is, that the greatest Disputes between the College and him, were, because they would not find him a Bed for his Lodge, and pay the Glazier for mending his Windows, and let him have a little Ale out of the Brew-house, tho' he would have abated proportionably for it in small Beer; which three things deserve true notice and application. As for his Death, it was by a Palsy, after about half a year's Sicknefs.

But our Doctor, for his own part, says, he lays no stress on their Love and Respect: 'tis well for him (if he did his Heart would be broke, whatever Dr. North's was) yet he has the Confidence to say he believes (Who does so besides?) he has as much as any of his Predecessors had, and he takes this very Case to be a proof of it, where the Majority of the College could, by no Solicitation, be engag'd in this Complaint against him. I have read that *in rebus dubiis, plurimum est audacia*; but to use it in a Case so plain against him as this is, it can do nothing but increase his Shame. As to the Major-

P. 12.

Ibid.

Ibid.

P. II.

rity of the College, I have given an Account already in that of the *Sub and Non-subscribers*, and of their Number, Value, and Sentiments; and shall only leave it to any that ever was a Member of a College, to consider how easy it is for the Head to have the Love of the Members; what Awe and Dread even the Fellows generally have of him, and even a civil word from him is reckon'd a great Obligation; how much easier for Dr. Bentley to have had that Love, when, as he says, *of the whole present Society sixty five, there are but twenty four that were not admitted Fellows by himself*; and there are few of those, or of the rest, but he has distributed Favours to, by giving them either Pupils, Curacies, Lecturers Places, or other Offices out of course; for he used to say profanely *those that honour me I will honour*; (not to mention his Promises) for he has a great Excellence at multiplying and magnifying of Favours; those he bestows, I mean, not those he receives. Considering also the Nature of Fellows of Colleges generally unacquainted with the World and Business; and therefore it is with the greatest unwillingness, when they enter upon what they call Trouble, tho' 'tis to do themselves the greatest Justice: Besides, some of them out of cunning, tho' not generosity, think it best to let others fight their Battles. Is it then Love only that restrains some? and is it not the contrary, from a just sense of continued Injuries, that constrains so many to join in such an Accusation? And if this be a *proof of Love and Respect*, 'tis such a one that I never heard any former Master ever had, and I believe there is not five Fellows of any other College in both Universities, that have such a *Love and Respect* for their Master, as to subscribe such a Petition against him. I suppose just such *proof* he will bring to clear himself of *the Articles*. And as
for

for the poor Pretence of his being hated upon account of Parties, let the Persons, even the chief Actors against him, be enquired after; or if any body pleases to enquire after his Character, he will find it such, that but few that have had much to do with him, tho' of either Party, but would willingly joyn in tossing him in a Blanket, if that were a legal and proper Punishment.

'Tis a common, but true Observation, how natural it is for guilty Persons to fly to the Refuge of a *Party*, especially of that which is uppermost. But I believe in this Case 'tis to one that will have regard to the Merits, and will not be sorry to see part of those great Rewards taken from him, for which others might, and he ought to have done them, and the Nation Service; tho' by his unskillful and unjust Management, and insolent Behaviour, he has done the contrary, and given an instance how those good Men, by whose Recommendation he was prefer'd, may be mistaken in their Choice. Who he means by *Wretches whose Commendations are more scandalous than their Railings*, is not clearly express'd; but we know his foul Mouth spares no body, nor makes any distinction of Parties, (not to mention his Scurrilities upon several Masters of Colleges.) If he could not be just, he might at least have been so grateful, tho' he could not abstain wholly from Abuses, as to spare his Benefactors, and not to say of the A. B. of C——, who daily employs himself in the greatest Affairs of Church and State, that *he minded nothing but Trifles*. This is very proper to come from one who all his Life time has studied nothing but *Greek and Latin Letters*, or Words at most; excepting these last ten Years, six of which, he publicly confess'd, he had been considering of these selfish Projects, which have brought him to the Place of Execution.

P. 12.

Some Remarks upon

Another of his Benefactors does not escape him, the learned B——p of S——y, who he uses to a Proverb, and says *No body regards him, for he is all Promise and no Performance.* So that the best Men, not only of his own Profession but Party (for which he wou'd have it thought he suffers) must be scandaliz'd with his foul Language, if they were not above it.

P. 13.

But he proceeds upon the Petition, and thinks himself very witty upon *his disturbing the Peace of the College.* He says, *before he came they were a parcel of sleepy stupid Sots,* and he only awak'd them; tho' they had better have slept till Doomsday than have been so awak'd. *They neglected all useful Studies,* as studying chiefly Books of Sense, Wit and Eloquence: He discountenanced those, and forced 'em to search for the Philosopher's Stone, and gaze upon the Stars. *They came to College Preferments by mere Seniority, without Merit:* He presently found Merit in those that would do whatever he would have them. *They Squander'd the publick Revenues in Luxury,* and he put it in his own Pocket, *and their own in Drinking and Gaming:* He took care they should have none wherewithall. They had an *Impunity for breach of Statutes, without any controul:* He took all that from them to himself with more advantage; and in this Sense he may truly plead guilty to this part of the Indictment,

Ibid.

But not to part with his Joke, he gives you some Instances of what he calls *Reformations,* to most of which he forced the Consent of this lazy, cheating, stupid College; tho' some of 'em are of little or no Signification, others of no Truth, and others contrary to Statute, not without a Mixture of Self-design; and this appears by several Instances of his.

The

The first is of the time of electing Scholars, and the Continuance in their Scholarships. He says, *The Statutes expressly appoint an Election of Scholars every Year; and they peaceably agreed to have it only every other Year.* 'Tis of no Signification whether it be every or every other Year; but his saying *the Statutes expressly appoint it every Year*, is a downright Falsity; for I am sure the 13th Statute, about Election of Scholars, does not, and I am almost as sure no other does. Then, he says, *The Statutes enact that the very lowest Years are capable of receiving Scholarships*; tho' the College Statutes enact that *Nemo eligatur in Discipulum, qui non sit habilis ad Sophisticam & Dialecticam discendum in Aula*; which none of the lowest Years can be supposed to be: And the University Statutes, which prescribe the Method of Study, say, *Primus Annus Rhetoricam docebit, secundus & tertius Dialecticam, quartus adjungat Philosophiam.* Sure he must call himself the Statutes, for I can't find by whom else 'tis so appointed or enacted. I must give him the same Answer when he says, *That the Statutes declare that Inceptors in Arts are to lay down their Scholarships at Easter, that the new Candidates may come into them*; yet 'tis plain, the Statutes allow 'em six Months time after they have taken the Degree of Batchelors, which is six Months, two Weeks, and two Days after *Easter*. And tho' he says this wicked College *let them continue in 'till the following Commencement* (which is the first Week in *July*) yet the Statutes say they did 'em wrong if they did not *let 'em continue in 'till about the Michaelmas following*, as they us'd to do; for the Words of the Statute are, *Bacchalaurei qui sunt discipuli si non ante finem tertii Anni, post gradum Bacchalaureatus susceperint, in Socios electi fuerint, infra sex menses post è Collegio in perpetuum ejiciantur.* Now the time of their being Batchelors

Scholarships.

P. 13.

Ibid.

Cap. 6.

P. 13.

Col. Stat. cap. 19.

Ibid.

P. 13.

Ibid.

Ibid.

Batchelors is at the second *Tripes*, the *Thursday* Fortnight before *Easter*; so 'tis easily seen, that their six Months allow'd them after their three Years, cou'd not expire (tho' something more or less according as *Easter* may fall) long before the *Michaelmas* following. And his saying that they were void from the *Comencement* till *Easter* after, and that by these two *Frauds*, as he calls 'em, about twelve *Scholarships* were perpetually kept vacant, and about 150 *l.* a Year robbed from the *Youth* of the College, is false and scandalous; for 'tis well remembred, that they not only filled the Vacancies at every Election, but always pre-elected as many as they thought deserv'd it, which were generally as many as there were likely to be Vacancies by the time of the next Election. So that as one Vacancy happen'd, those that were pre-elected immediately succeeded in their turn; and the continuing the *Inceptors* in their *Scholarships* after *Easter*, was so far from being a *Fraud*, or robbing the *Youth*, that it was a greater Charge to the College, in as much as an *Inceptor*, or *Master* of Arts, costs the College more in their *Commons* than a young *Scholar*; therefore his cutting them out at *Easter* was rather design'd by him as a piece of his *Oeconomy* to save the College Money, that they might the better afford him a thousand Pound a Year. Tho' his doing it to so many for so many Years together, against the pressing Instances of the College, which he has the Confidence to call *reforming an Abuse*, was such an Injury to the Persons, and obstinate Violation of the Statutes, for which in Justice he can be no less than expelled. And where are these Statutes that expressly appoint, declare, and enact what he has asserted?

And that it was an *Injury* and *Discouragement* to those that came to the College, that they could not have the *Emolument* of a *Scholarship* 'till they

they were three Years standing at least, & alternis annis four (he should have put two and three in the room of three and four, but that he never can be in the right.) This pretended outcry is nothing but a Jest; for besides what the Statute says as to the time of Election, no body thinks it worth having, unless in order for a Fellowship; for the Sizars and Subsizars (one of which he was) and Pensioners are always the Candidates for Scholarships; the former are generally very poor, and eat for the most part upon what is left at the Fellows Table, by which they live cheaper than if they were Scholars; and they often put themselves back a Year that they might not be elected too soon; the latter are generally the younger Sons of Gentlemen, and if it were not merely for the same Prospect, had rather be without one, it being worth but about 10*l.* a Year, and for that they are every Day in their turns obliged to wait with Trenchers upon the Fellows at Dinner and Supper, for which they are not so well paid as the lowest of their Father's Servants.

As to his Instance of abolishing the Treats, upon sitting for Fellowships, Scholarships, or Degrees, if he had not represented the Practice to have been much worse than it was, and scandaliz'd the Fellows falsely for being Partakers, especially of the two last, and the Petitioners, as if they were so mean as to desire to have them restor'd, and not valued himself so much upon it, as if they had not been frequently forbid by former Masters; the thing of a new Comer, who design'd to make Ostentation of his Discipline, might have been well enough, if it had been done with the Advice of his Counsellors: For tho' the University Statutes, which prescribe Rules to all Colleges, say, that *modica impensæ possunt in convivii retineri*, and that *jentaculorum & prandiorum consueti* 50.

Treats.

Univerf.
Stat. cap.

sueta in disputationum tempore sumptus per Magistrum & majorem partem Sociorum eleventur & minuantur; yet considering how apt such things are in all Places to run into Excess, when they have once done so, they may be better and easier taken away than continued and moderated; yet the Merit is lost by not using the proper Method. However, if he had not disturbed that *Peace* of the College, but upon such Accounts, he might have *peaceably*, tho' unjustly, to this Day have enjoyed about 200 *l.* a Year more than his due.

Library.
P. 14.

His next Instance, relating to the Library, if it was by him truly represented, without the Scandal upon the former Master and Fellows, of putting the Money *into their own Pockets*, an indifferent Reader wou'd take to be the *Reformation of an Abuse*; neither cou'd he discover in it any private Design, tho' there is in truth very little of the former, and a great deal of the latter: For this was at the time when there was the greatest Clamour against his Expences in beautifying the Lodge, when he insisted upon the general Words of the Order which he himself had drawn up and enter'd, and wou'd make the College pay about 1000 *l.* when the Seniors had agreed and consented to the laying out but of 200 *l.* which they did not readily comply with; so to fright them into a Compliance, he told them they had cheated the Library, and threatned 'em with the King and Council, Archbishops, Visitors, and what not; and the Burthen of the Song was, that *he would not see the Lodge nor the Library wrong'd*; the latter, I suppose, because it begun with the same Letter. But the Truth of the Matter, as to the Library, was no more than this.

Bishop *Hacker*, who had been Fellow of the College, gave 1200 *l.* to the College for rebuilding of an Hostel, and thereupon propounded that

that the Rents of the Chambers in the said Hostel might be expended upon the College Library, either for Books or Desks, or for the Fabrick and Structure; and gave the Master and Seniors Liberty so to do. And whatsoever Question might or should arise upon that which he had not clearly express'd, he left it absolutely to their Determination.

I have the Bishop's Letter by which he gave the very Money; I insert it at length, not only as being pertinent to give light to this Matter, but for an Admonition to our *Leviathan*, that he may learn to write and act with some colour at least of Piety, and to have some respect to former Masters and Fellows, and their Actions, which this learned Man had, as appears not only by his Words.

For the very Reverend and Right Worshipful Doctor John Pearson, Master of Trinity College in Cambridge; and to the Reverend and Right Worshipful, the Senior Fellows of the same Society.

“ **R**IGHT Reverend and most worthy Governors of that Society, which is more
 “ precious to me, next to the Church of *Jesus*
 “ *Christ*, than any Place upon Earth. I was once
 “ an unworthy Member of your Body, and will
 “ be ever a most affectionate Devotee unto it.
 “ But a little that is real, is better than long Pro-
 “ testation of Words: And it is but little that my
 “ Meanness is able to afford, to express a thankful
 “ Retribution to my dearest Nurse. Your two
 “ Messengers, excellent Persons, Mr. *Pullin* and
 “ Mr. *Gale*, are as welcome to me as any Per-
 “ sons that ever came to my Palace, fit to be em-
 “ ploy'd

“ ploy’d upon a greater Errand. I have deli-
 “ vered unto them six hundred Pounds, and send
 “ six hundred more, if God assist, before Candle-
 “ mass next, or sooner, as I can procure the Sum,
 “ when I am at *Lond on* to attend the Parliament.
 “ My Proposition to you, and my desire is, that
 “ the whole Sum together may be expended to
 “ rebuild the Hostle formerly call’d *Garret’s*
 “ Hostle, and utterly ruined, as I hear, as
 “ your own Judgments with skilful Survey-
 “ or shall think fit, no way prescribing the Mode
 “ of the Structure, but leaving it absolutely to
 “ your unquestion’d Discretions. Neither will I
 “ prescribe any Conditions to be dictated by my
 “ Authority, but move it with all Submission,
 “ that from henceforth the new raised Structure
 “ may be call’d *Bishops Hostle*, without any
 “ more Addition of my Remembrance. And I
 “ wish heartily that the Title may be aus-
 “ picious to the Learned and Pious that
 “ shall study in it. Also I propound, that
 “ the Rents of the respective Chambers in the
 “ said Hostle, may be expended yearly upon
 “ the College Library, either for Books, or
 “ Desques, or for the Fabrick and Structure of
 “ the said Library; which Rents under the Ma-
 “ nagement and Conclusion of your better Judg-
 “ ments, I suppose may be most providently set
 “ and appointed by the Reverend Master and
 “ Vicemaster, the Senior Dean, the Senior Bur-
 “ ser, and the third or Junior Burser; or any
 “ three of those: And be received by them, or
 “ by such as they shall appoint, at such Times as
 “ in their Prudence for the Payment, they shall
 “ like best: And every Year, within six Weeks
 “ after Michaelmas, they be pleased to audit
 “ the said Receipts of Rents, and to expend
 “ them as they shall think fit, either in Books,
 “ Desques,

“ Desques, or the necessary Works belonging to
 “ the Fabrick of the said Library. Whatsoever
 “ question may, or shall arise upon that which I
 “ have not clearly express'd, I leave it absolute-
 “ ly to the Determination of the Master and Se-
 “ niors. So God prosper it as well as I intend it.
 “ And when the Work is finish'd, or in some
 “ forwardness, I will with great Complacence
 “ accept of your kind Invitation to be your
 “ Guest: Who humbly crave your Prayers, and
 “ God knows how often you are remembred in
 “ the Prayers of,

Lichfield,
 Aug. 11th
 1669.

*Your Humble Servant, and
 the great Lover of you
 and your Society,*

Joh. Lich. and Coven.

By this it appears, that the Money was not assign'd to purchase Books only; however there was a particular Audit kept, according to the Bishop's first Directions, for several Years, of the Rent, and Books bought till the Year 1682 inclusive, when they omitted to buy any more Books; because that by the Encouragement of this Benefaction, as they do the Justice to the Bishop's Memory, particularly to express when they commemorate their Benefactors, they had then newly enter'd upon the building of a new Library, which was many Years finishing at the Expence of 20000 *l.* and tho' the College was very much beholden to their Benefactors, yet it cost them several great Summs of their own Money, more than they were well able to bear; for which Reason, upon a Conclusion of Master and Seniors, they did transfer this 50 *l.* a Year to that building, by Vertue of the Liberty given them
 I by

by the Bishop's Letter to expend it in Desques, or in the Fabrick and Structure; for tho' that Letter could only literally mean the Old Library, which was then in Being; yet they did not think it misapply'd, when they transfer'd it to the Fabrick and Structure of the New one: For it 'twas not above eight Years before, that they obtain'd a Decree in Chancery, which gave them the like Power in a Case of the same Nature, relating to this Benefaction: For it hapned that before the Building of this Hostel was completed, the College had laid out 206 l. 17 s. 6 d. above the Bishop's Benefaction: And that Decree gave them Power to reimburse themselves that Sum out of the Rents of the Chambers, before they applyed any to the Use of the Library. So in this Case, they ventured to be their own Chancellors; especially with the Consent of Sir *Andrew Hacket*, the Bishop's immediate Heir, who was all the Time acquainted with and approv'd of what they did. And if by the like Equity they apply'd these Rents to the College use, two or three Years after the new Library was finish'd, in some measure to reimburse themselves what they had advanced, how can Dr. *Bentley* call this *Corruption and Robbery*; and say, that the former Master and Seniors, (for who can he mean else by *they*?) had put it into their own Pockets? When if he had but look'd into the College Books, he would have found an account of it down to the very Year he came; as appears by the following transcript which I have from one I can depend upon; 1699 owing to the College, 57 l. 6 s. 8 d. for Bishop's Hostel. So that it appears this was well nigh stop'd before: He had only a Mind to bluster about nothing, for if they had *interverted* this Money, to the Value as he says, of a thousand Pounds, or whatever other Value it was, why did

did he not, as in Justice he ought, cause or endeavour at least, to make 'em refund it? Was it because it is not his Talent to do a thorough Piece of Justice? Or because if he had, the Expences of the Lodge, could not have been so easily paid? I can find no Authority for what he says, *that an equal Summ for the same Use rose Annually out of Chamber Rents in the second Court*: If it be so, I presume they apply'd it as they did the former, tho' he has misapply'd part of it, as well as he has done part of that of Bishop's Hostel, since he put a Stop to this pretended Corruption.

P. 14.

The next pretended *abuse which was reform'd by him*, was what indeed did make the greatest disturbance, as being of the greatest concern: And that was his new Method of *disposing of College Chambers and Livings*, not according to Seniority of Admission, as it appears former Masters had practis'd for above fourscore Years before; but for *By-reasons* according to Academical Degrees.

Chambers;
P. 15.

P. 15.

A By stander may not discover any private Design or Self-interest in this Alteration, tho' there is a great one; for 'tis observable, that it was made about the Time when (according to his own Confession,) he had in View, the altering the Proportion of the Dividends; the Consequence of which was, as has been shewn, to advance his Mastership: The Doctors and Bachelors in Divinity unless they were near Seniors, were to gain also by this Alteration; therefore 'twas convenient for him to have more of those who were more likely to countenance his Project; but the only Advantage he would at first discover to them, was this, of Chambers and Livings which would more than countervail the Charge of taking their Degrees. So in Prospect of his Assistance four Fellows, three of which make the major part of his five Subscribers, took the De-

gree of Bachelor of Divinity; (tho' not till long after the Time he mentions:) And upon Vacancies of good Chambers, he distributed 'em to those before their Seniors by Admission, but how justly, let it be consider'd.

P. 15.

The Circumstances of this Matter he has represented very scurrilously; and falsely asserted, That *not one hath proceeded Batchelor of Divinity, for above twenty Years before he was Master*: And as falsely for any thing that I can hear, That the Seniors which I suppose he means by *the same Men*, voted that unus vel plures could not possibly mean two; besides he confidently asserts, That by *the 26th Statute*, the Pre-election of Chambers, is to a Batchelor of Divinity, before any Master of Arts, and to one Batchelor of Divinity before another, according to the Priority of the said Decree; and that by *the 30th Statute*, the Pre-election of College Livings is after the same Manner. These he cites as the Words of the Statute, which is merely begging the Question; for if the Statute was so, it could bear no dispute: But the Case is thus,

Coll. Stat.
Cap. 26.

The Master, or in his Absence the Vicemaster has Power of distributing the Chambers: The Words of the Statute to this Point for their Direction are, *Seniorem secundum suum gradum juniore tam inter socios quam inter discipulos semper preferendum Statuimus*. The only Question is, whether the Words *secundum suum gradum*, in that place is to be interpreted according to the Seniority of Academical Decrees, or according to the Degree of Admission, or the Seniority of Standing, as 'tis generally called; 'tis plain *gradus* simply as a Latin Word, does not signify an Academical Degree; and why should it in our Statutes more than in other Places? The Dr. has cited the Statute in Latin also according to his usual Manner,

to favour his own Opinion; for he has craftily omitted the Words, *tam inter socios quam inter discipulos*, that it might not be observed that the Word *gradus* in that Statute, is apply'd to such Scholars as have no Academical Degrees, and therefore as to them, it must be construed according to the Degree of Admission, or Standing; and 'tis more than he can do to find out a Reason, why it should not be apply'd in the same Manner to the Fellows, when 'tis all in the same Sentence. 'Tis apply'd also to Undergraduates, where the Statute speaking of *Pensioners, Siziers, and Subsiziers*, says, *ne-
mo prædictorum exeat in Oppidum nisi ita vestitus ut
gradus illius postulat*: So the Statute speaking of
choosing a Senior Fellow upon a Vacancy, directs the Master and Seniors to choose the next Senior by Admission; *Quam Senioritatem nullo alio Scholastico gradu unquam immutandam decernimus*. And another Statute says, *Statuimus quod
singuli Socii sint semper juxta Ordinem Admissionis
sue in Sociorum numerum vel Seniores, vel Juniores,
& eam Senioritatem sine nullâ mutatione teneant*: There is an Exception for College Preachers and Doctors which is nothing to this Matter; but how can every Fellow be *always Senior according to his Admission, and without Change*, when according to Dr. Bentley's Interpretation, their Juniors if they first take the Academical Degree of Batchelor of Divinity, are to be Seniors as to having Chambers or Livings.

On the contrary 'tis observable, when the Word *gradus* is in our Statutes used for Scholastical or Academical Degrees, there is that Addition to it, or 'tis so explain'd; as the Statute speaking of the Admission of Minor Fellows, says, *Senioritatem habeant pro ratione gradus ut senior in Universitate Bacchalaureus ante juniorem admittatur*, this is an Explanation what Degree

Coll. Stat.
Cap. 11.
16. 19.

is meant; there is an Instance given before, when *Scholasticus* is added to it: And another Statute says, *prout gradus scholastici exposcant*: And another is entituled, *de tempore assumendi gradus Scholasticos*; which are Arguments that when there is no such Explanation, or Addition, it should be construed according to the simple Meaning of the Word; or the Degree of Admission.

Coll. Con-
clusion
Book.

But there were *Bentleys* in former Days, who it seems for their own Interest also did question this Matter, upon which so long ago as April 28th 1612. There was a Conclusion, *That Orwell Living should be confer'd on Mr. Hall as his Right by Statute*; and that the Words, *Seniori secundum gradum*, should be construed, *Secundum gradum Admissionis sue*: This is subscribed by the then Master and six Senior Fellows only; because I suppose, the other two who raised the contest dissented: This is in Case of Livings where the Words are the same, as in the Statute concerning Chambers; except that in the latter, the Word *gradus* is apply'd to *discipuli*, which makes a stronger Case for the Degree of Admission: And this Conclusion is of more Authority than any that can be made by the wisest Man now; for it being so much nearer the Time of the making of our Statutes, the Mind and Meaning of the Maker, and Sense of the Statute was easier to be known; and *the Gentleman of the Temple* might have told the Dr. another Rule in Law to this Purpose, that *contemporanea expositio est optima*.

Coll. Con-
clusion
Book.

There is another Conclusion May 7th 1660. when there was an Order, *That the Stables should be confer'd on the Senior by Admission, after the Manner of disposing of Chambers*; which shews this Practice was then in Force, and living Witnesses remember it to have been so ever since till his new Method: Yet he says, *they had the Impudence*

pudence to assert that Senior secundum gradum, did not mean Senior according to degree, (where he sinks the word Academical, to make their Interpretation ridiculous) but according to admission, tho' they had the repeated Judgment and so long Usage of their Predecessors, and Reason and Statute on their side.

He has great reason to exclaim: *What a Province has a Master that is to deal with such Men?* it may with more reason be said, a whole *Province* wou'd be in danger of Ruin that had to deal with such a Master, who would proclaim 'em impudent sawcy Fellows, not to vote right or wrong, or give him what he would have them, to carry on his Interest and Designs; but who 'tis that, if not voted, has often written that *Non is an Affirmative*, I think by this time is very plain.

P. 16.

These are the Reformations for which he reckons himself a *Solon*, and which he scoffingly tells the Bishop were the only Instances of his *disturbing the peace of the College*; when God knows one of 'em was never opposed, or scarce ever thought on after it was done. The other relating to Scholarships, tho' the Parties injured by themselves or Tutors did frequently complain, yet the Seniors being not able to help them, and knowing that the Blame and Guilt lay wholly upon him, did not much concern 'em. That about the Library, did trouble them more, as being taxed with robbery and putting publick Money into their own Pockets. But 'twas the last only, about the Chambers and Livings, that *disturbed their peace*, and the greater part of the College were and are to this day uneasy under it. He did also pretend to a Power by colour of the same Statute, to take away any Fellow's Chamber and dispose of it to another, if the Fellow went out of Town; and this matter of Chambers, will lye heavy upon him as to other

Accounts, which are proper to be reserved to the Articles.

He has over look'd two other Orders that he made, which I ought out of Justice not to forget, tho' they did not *disturb the peace of the College* any more than most of the former; one was against all Dogs coming into the College; the other, that no Women shou'd be Bed-makers, unless they were old or married, which was to the great Encouragement of Matrimony in these backward times, and consequently for the Publick Good; but if he had observ'd this last Order in his own *Apartment*, he would not have incurr'd a certain Suspicion, for which by the 40th *Statute* he might have truly insisted, that he ought first to have been *admonish'd*.

But now for a little while, he comes something nearer the purpose, which is *his disturbing the peace, by demanding and taking College Money, and applying it to his own use*; in answer to which he very pertinently mentions several Instances, wherein we cannot *convict him* of that Crime; from which may be drawn three Conclusions: *First*, That if he cannot be convicted he is not guilty. *Secondly*, If he is not guilty in those Instances he is in none. *Thirdly*, If he be not in those, he can be in no others. This is the strength of his Reasoning, not much unlike Don *Quixot's*. He has good luck that he cannot be convicted; tho' as to one of those Instances there are great Suspicions, and he does not know what proof may be had of it in a short time.

At last, notwithstanding the Style, he fancies he has found out what the *Petition* means, That 'tis applying College Money to the *repairing his own Apartment*. He has indeed guess'd right in one Particular; but as there are others which must

must be reserv'd, I shall only here insert the Narrative of *his own Apartment*.

As soon as he was made Master, he told the Seniority, (by what Authority he knows best) ^{The Lodge} that the Duke of Gloucester was design'd to spend some time at the College, and that they would do well to fit up the Master's Lodge for his Reception, adding that it should cost but 300 l. whereof he would be one out of his own Pocket; no wonder the Seniority out of respect to the Duke of Gloucester, and something to oblige a new Master, consented to his proposal; for they did not know him then, so well as since; so he being the faithful Register, (which will also appear in other Instances) with his own Hand enters the Conclusion in general Terms, and gets the Seniors to set their Hands to it, which being as I can find but once done before, and that when two dissented, of it self look'd very Suspicious, for *Clausula in consuetudine inducunt Suspicionem*, and ^{In the Order,} are Badges of fraud; and accordingly he mention'd ^{p. 17.} in the Order, that he would contribute one hundred pound *de proprio*; but not a word, that the College should expend but two hundred; which a Lawyer, (however meanly he thinks of those of that Profession,) nay, a common Solicitor, would have been asham'd or afraid to have omitted; and this he did not without design; for quickly after, in his return to London, he told a Gentleman, at whose House he call'd, that he would lay out what Money he pleased on the Lodge, for the Order was in general Terms; and accordingly he put it in practice, after his own fancy, not considering that notwithstanding this Trick, there are Words in the Order, that it shall be repair'd with convenient Improvements, and how the making above thirty of the best new Sash-windows, when there was none before in the whole Quad-

drangle, besides other Extravagancies, to an excessive Sum, above six times what was agreed upon, and without the Direction of the Burfar, who by the College Statutes is to order all College Work; how this can be interpreted a convenient Improvement, and not wasting the College Money, the proper Judge must determine.

And as the first Order, whatever the Senior's Power may be, cannot justify the Master's expending so much in that manner; so it can be no defence for him, that by Hectoring and Fawning he at last prevailed with the Seniority to order the Payment of it, which was to the Dissatisfaction of the College, and the Amazement of all others that heard of it; for by its being a notorious wasting, he had incur'd the Penalty of the 40th Statute of which the Seniority can have no power alone to release him; and their Consent to pay the Workmen, might only be because it being ordered under their hands, an Action might lye against them for it, with which they were often threaten'd, and that for the whole Expence; for the Fraud in wording the Order was only between the College and the Master, and could not affect the Workmen, who did their Business *bona fide*, and 'tis hoped will be all paid in time.

Who therefore can blame the Doctor for bestowing his utmost Eloquence in varnishing over this foul piece of Work? as that *'tis done for the use of all Masters hereafter, and the Honour and Ornament of the whole College, for the use of their Lordships the Judges; for the use of the Crown.* And if the new Lodge is now the best in England of its kind, as in proportion to the College it ought to be, the old one by long decay and want of Repairs and Furniture was the very worst (tho' in Fact the best in Cambridge.) Not one Person of Sense and Generosity; that remembered the meanness of the late King

King's Reception in the old, and the decency and magnificency of Her present Majesty's Entertainment in the new, but thought the Honour of that day alone a sufficient recompence for all the Charges of the Alteration. A greater Complement than when he said of the Queen's Bounty of 100000 l. in one year to the Publick, that 'twas not above three Farthings a Man: Then follows an undeniable Argument, why such a Summ should be laid out upon the Lodge; because that the University Expences for that single Dinner, amounted to full as much (to half it might) as what the whole College, without the Master, disbursed for the whole Repairs. This is one of his Rules, to know what ought to be laid out upon a Lodge; or a Master's Apartment, just as much as the University expended on the Queen's Dinner; the necessity of the work, or the Ability of the Persons that are to pay, are not to be consider'd; which Rule, rightly apply'd, may serve for other Buildings, and 'tis supposed he has gone by no better. But he goes on, not a Farthing of College Money was expended, but what was order'd and allow'd by the Seniors themselves, and not one Fellow, as he believed, wisht the thing undone, (tho' almost all did, and 'twas never mention'd in any Company but with regret.) 'Tis very well known, he says, that at his first coming the then Seniors propos'd to him the Repairs without his demanding, and when he offer'd at that meeting to give the hundred Pounds of his own, it was generously refused and withstood by several of the then Seniors. And to close, he presents the Reader with a Beautiful Prosopopeia, where he makes several of the Seniors say to him, 'tis the College that is bound to repair the Master's Apartment, the Master being annually the greatest Contributor to the Repairs and Improvements of ours. Your very Quota in the general Charge, besides any free gift,

P. 19.

is full enough for your Share, which perhaps was one main reason why your Predecessors did not repair it before; you, especially ought to be excused from giving, who have yet no Emolument from the Mastership, and may dye e'er the Repairs are finished, which must all be left behind you. I believe no Senior Fellow ever said any Words like these, since the Foundation of the College, and 'tis to be hoped never will; but no body can deny that he has laid the Varnish on thick. 'Tis pity so many fine Words and Sentences so well put together, and so artfully turn'd, should have neither Truth nor Sense in them.

P. 16.

Is it for the *Honour of the College*, for many of the Fellows to be such Slaves as to be forced to want Necessaries, or Money to pay their Debts, that *his Apartment* may be like a Palace, and they feed themselves with the Pleasure of seeing the Ornament of the Sash Windows? Is it for the *use of the Judges*, who only make use of three or four Rooms six Days in a Year, and had Lodgings there before, as good or better than in any other Place in that Circuit? much less is it for the *use of the Crown*, who never used it so many Hours in sixty Years. Is it not a sawcy Banter, to say it was done for the use of the Queen, so many Years before he could know that her Majesty would ever come? If it was upon that Account the University would have been at the Charge, because the Honour of the Visit was done to them. And by what Authority does he thus insinuate? as if the Judges or the Queen should desire or expect that the College, beyond their Abilities, should be at such an unnecessary Charge upon either of their Accounts; or that the Fellowship should want due Respect to either of them, because they complain'd of his vain Extravagancies?

Was

Dr. Bentley's Letter.

55

P. 17.

Was the *late King's Reception* so mean in the old Lodge and not the contrary, allowing for the Condition and Abilities of the Entertainers? or could her present Majesty's be said to be otherwise without such Allowances, unless he reckons the Rooms in his *own Apartment*, not mean in respect to *Windsor* or *Hampton Court*? But as the Lodge was before, were not two Noblemen successively his Predecessors contented with it? Has it not been shewn in what a vile manner this Money was obtain'd, and ordered (as he calls it) *by the Seniors themselves*? Is there any thing of Truth in what he says is well known, that at his first coming the then Seniors proposed to him the Repairs without his demanding? Was it Generosity in the Seniors, considering the Poverty of the Fellows to refuse the 100 l. he offer'd, when two more from the College was to be laid out for his use? Or is it true that several of them did so? Is the College bound to repair the Master's Apartment, any more than those of the Fellows? Or is it reason, because the richest Man in a Parish pays most, according to his Estate, to the publick Taxes, that when he has a mind to build him a new House, that the Parish should build it for him? Is his Quota in the publick Charge full enough to excuse him from his private? Or is it true, that none of his Predecessors, if they did not repair the Lodge so as to keep it habitable, that they did not beautify it, or furnish it at their own Charge, as they had Occasion? Tho' the Master had then had little Emolument from his Mastership, yet whether was it more Reason that he shou'd be at the Charges about it, or those who were never to expect any? Because a Man that is about to build a House may dye before it is finished, and leave it behind him; is it therefore Reason that others who are never to enjoy it should be at the Charge of the Building?

Who

Ibid.

P. 18.

Ibid.

Who were the Persons that ever said to him these rational things? Or does that 100*l.* yet appear to be paid over and above what Money he received of the College? What is become of the Reason and Truth of this fine piece of Eloquence?

P. 18.

Is it not evident that this Money was at first design'd to be laid out for his private Interest? Did not his Pretence of the Duke of *Gloucester* vanish by his Death, before it was a quarter finish'd? Did he not soon after marry, and as soon after as he could get them, take in four young Noblemen and Gentlemen, of whom he took 200*l.* a Year a-piece for Board only, besides large Allowances for Tuition and other Conveniencies? What could it be but for this, that he, without any Authority, added more Room to his Lodge than ever was before; particularly a large Room formerly used for the acting of Comedies, which by the College Statutes the Lecturers are obliged to make every *Christmass*?

P. 19.

What is yet worse! Are not nine Years now pass'd without any Account of these vast Sums tho' often demanded of him? How paltry will it look now, after so long time, to dress up a lame patch'd Account? What makes him deny the Demand? What a blind Story does he make for taking the Money into his Hands, and delaying the Account so long? I suppose all the Blame is to be laid upon the dead Man.

Ibid.

What makes him tax Mr. *Miller's Honesty*, and the *Subscriber's Capacity*, for accusing him of applying Money to his own use before the Account is made? If they meant only this Money, does it not look dishonest? And is it not a violent Presumption, that there has been a wrong Application, when there has been so long a delay of the Account? Is it contrary to Law or Conscience to set forth any such matter in a Declaration, Bill, Petition

Petition or Articles, if there be but the least grounds for a Suspicion? Is it not on the other side Conscience and Justice, and what all good Men should desire, that such Matters should be brought to a fair hearing, that the Party suspected may be convicted or acquitted? But he again pertinently pleads, what a great Benefactor he has been in other Matters, that *he has paid or caused to be paid 200 l. to the College Chapel*: I wish I knew the Mystery of that, tho' if he had, there are but few or none of the College, either willingly or by Force, but gave more to it, in Proportion to their Income; tho' if some of them had bought themselves Necessaries, or paid their Debts with the Money, if he would have given them that Liberty, no reasonable Man could have call'd it *Avarice, or littleness of Soul*.

Next, The *Petition* mentioning *his continual Demands of Profit to himself*, he with his usual pertinence answers, *That he has made continual Demands of the Seniors for other Matters*, one of which was, that they would abolish that wicked Custom of taking more than a Shilling a piece for *Sealing Money*, and not instead of one to take ten, by which they (together with himself, who if they take ten he does twenty) *in open Breach of Statute plainly rob the Junior Fellows*. And *defalc, communibus Annis, 300 l. from the total of Fines, and 270 l.* (it's impossible it should be those Sums) *from the College in general, which brings the Master about 40 l. per An. and each of them about 20 l.*

P. 20.

P. 21.

In most Cases where he really has cheated the College, he disowns or lessens it; but here, where no Cheat would have been imputed to him, he owns he has done it, and that to above twice the value of what he has; for this Perquisite, which he calls about 40 l. per An. to the Master, and 20 l. to the others, does not *communibus annis* yeild
above

Sealing
Money.

above eighteen to him and nine to the rest; I should have wondred at this Candour and Ingenuity, if he had not of a sudden so dexterously cleared himself of it: For he says, he (good Man) *in Detestation of it, has demanded to keep the Statute*; and they (wicked Wretches) *answer, that if he insists on it, they will never consent to the sealing of one Lease*: Thus they force the Master (poor complying meek Man) *to partake in their unjust Encroachments*.

This one would think was an excuse, or pitious Complaint, from an Infant or some weak or ignorant Person, that had been drawn in as they call it, or forced to a Robbery, or some evil act, and sincerely repented of it; yet this is the great Bentley, that during the same Time, so often hector'd, threaten'd, and punish'd, *in terrorem*, right or wrong, some of the very same Men if they did not agree to whatever he proposed for his own Interest. Can he be thought to be forced by them to Compliance in any thing? And in truth, he has feign'd a weaker Excuse than any weak or ignorant Person ever offer'd; they never make such an Excuse but as their *primum tempus*, but he says *he was forced to comply with and partake in this unjust Encroachment*, as 'tis plain he has done, if it be such, above ten times a Year, for about ten Years together: Yet all the while he tells you that he was *in Detestation of it*, and knew it was an open *Breach of Statute, and robbing the Junior Fellows*. Nothing in reality could have prevailed with him to continue it so long, but the Advantage, tho' small, to himself.

But is it true that he ever made this *continual Demand*, or that they ever made such an Answer? Did he ever publicly hector, threaten, or punish, or privately cajole, or Closet, any of these Persons for their Consent to take it away?

Was

Was it not as just, and would it not have look'd as honourable, and have been more excusable for him in this Case, as it did meanly, and was more unwarrantable, to use such Methods in other Cases, where his own Profit was merely concern'd? Did he ever so much as once propose it to them at a meeting, or put it to the Vote? Did he ever stop the sealing of any Lease (which is in his sole Power by Statute to do) upon this Account? And tho' he says, *that if he insisted upon it, their Answer was, That they would never consent to the sealing one Lease*; why did he not once try them? Does not the Statute say there must nine dissent to stop the sealing of any Lease? Did ever nine, or five, or (for ought I can hear) any one of them, ever dissent or declare to him they would do so? Or what if they had? Ought he for that Reason, when sealed, to partake in what he owns to be *Corruption and Robbery*? Or does their doing the same thing excuse him of such a Crime either in Law or Conscience? Did he ever once refuse the taking this Money? Or when taken, did he ever return it to the use of the *College in general*, which he owns was robbed of it? tho' by that means, part of it would have justly return'd to him again in his Dividend; but 'twas but part only.

P. 21.

Col. Stat.
C. 34.

P. 21.

Yet to do him Justice in one Instance relating to this matter, tho' he does not deserve it; I must mention that in *Christmass* last, after the Seniors had absolutely refused to consent to his Projects, and after his Threats, two or three days before he went to *London*, there was a small Lease ready to be sealed, and he did tell the Senior Bursar, who pays the sealing Money, that he would take but two Shillings, or that he would not consent to the Sealing; so they did not propose it to be sealed for a day or two, but after that, he consented as usual,

usual, in hopes, I presume, to Cajole them again, or perhaps for the small profit.

This is what he calls *his continual Demand of keeping the Statute*, when any body that has observed his Actions, must believe he meant it no more in this than other Cases; for besides that (if he had advanced his Dividend so high as he design'd) he would have gain'd by casting the Money into the College Stock, this matter of sealing Money, next to his own contriving restless Head, has done him the most service of any thing ever since he came to College; for this being a Perquisite of the sixteen Seniors, most of the other fourty four had reason according to the words of the Statute to be against it; therefore he could lay hold of nothing better for his purpose, to divide and rule the College according to his own Interest, than the handle of taking away this; and, as I remember, 'twas chiefly against this, that he underhand endeavour'd to procure the Juniors to petition him against the Seniors; so by dividing the Fellows from one another, how was it probable they should Unite against him? All things consider'd, 'tis almost miraculous so many should, notwithstanding the great occasion for it.

P. 207 But it is convenient to give some Account of this *Sealing Money*, in defence of the sixteen Seniors, tho' none can be made for the Master in partaking so long in what he owns a plain *Robbery*. The Statute in this Case only (because it is for him) is truly cited by him, I own the express words are, that the Master is to have two Shillings, and the rest but one, *pro Locationibus & Indenturis*, for letting the Leases and sealing the Indentures; when the contrary, now usual Practice, first began, no Fellow can give an Account, and if the Master could by the Assistance of the old Books, no doubt in this place he would have done

it, if it had not a good Beginning; if it had, it is not expected from him.

What I find of it is: *March 4. 1647. Concluded then by the Vice-Master and four of the Seniors, that at every Sealing so much Sealing Money as was divisible, should be divided among the Sealers.*

And March 9. 1647. Agreed then by the Vice-Master and Seniors, that there shall be no sealing, without warning given by the Chapel Clerk to the Sealers the night before.

Tho' no Sum is here mention'd, yet it appears they had more than 12 *d.* otherwise there was no occasion to give notice over night, lest they should lose what was not worth their Attendance; neither did they need any Conclusion about dividing it. This was above threescore years since, and every one is willing to imagine some reasonable or legal Beginning of what has continued so long; as that it may have been by the joint consent of the Founder, or one of his Successors, and the College; which may not now appear. But supposing the worst, that there was no such thing, and that all this Money is taken *pro Locationibus & Indenturis*, (which I have reason to doubt) yet it may have a reasonable Beginning, upon account of the difference between the present and former value of Money; for in Queen *Elizabeth's* time, sixteen years after our Statutes were made, one Shilling was equal to six now, which our Doctor has pretended to demonstrate from the Corn Act; which tho' no demonstration, is a good Argument against him, that it may be reasonable for the sixteen Seniors who are resident, to take six Shillings now, tho' they were allowed but one formerly; and considering that we have about 130 Leases to be sealed in their Turns, besides what sealings happen upon the Death of Tenants, and their assigning their Leases; if they should

P. 16.

E

take

take exactly six Shillings for every Lease sealed, be the Fine small or great, and as much for every Assignment, it would come in the whole to much about the same they now take. But because it would be hard for the Tenants of small Leases to pay as much as those of great ones, their Rule is to take according to the Proportion of the Fine, tho' they never advance the Proportion, if the Fine be above 300 *l.* and if it be under one Hundred, they take 5 *s.* 6 *d.* a Man, the oddness of which Sum makes one apt to believe, that it must be upon some particular Reason and Calculation. And this is but ordinary Hire for their Attendance in Chapel, while the Lease is read and examined with the old one and the leiger Book; but what 'tis for the Master who never attends and has a double Share, tho' out of College, is not so easily accounted for. There is also another reasonable and just account to be given for the taking this *Sealing Money*, which is, that at the same time they always attend the reading and sealing a *License of Alienation*; for by the College Statutes we are obliged to insert a Proviso in all our Leases, that if the Tenant alien without a License under the College Seal, except by his last Will, the Lease shall be void; so that the Tenant when he takes a new Lease, always for his own conveniency gets such a License of Alienation; and since the sixteen are not by Statute obliged to attend the reading and sealing of the *License*, when they do, 'tis reason they should have some Allowance for their pains, which the Tenant always pays out of his Purse, or else 'tis included in the Agreement for his Fine; and he could not hire so many common Solicitors, or any that can write and read, that would be content to attend for so little as they take. And that most of this Money, or it may be all above the statutable 12 *d.* is due for their

their Attendance upon this License, seems to be confirm'd by the old name, for this *Sealing Money* was formerly, and is yet often called *Alienation Money*.

Yet the taking of this he calls *open breach of Statute, Robbery, and an unjust Encroachment*, when they only do what has been done without Interruption, since the making of the Statutes for ought appears to the contrary, and for which there is so much reason for them, tho' none for him, unless he attended; for this he calls them *Idle Drones*, and tells them they live *sauntering in College merely for these Droppings*, as if they would refuse Preferment if they could have it; tells them they do *no sort of Academical Exercises*, tho' they do what the Statutes require; and that they *study no part of Learning*, tho' many of them in several parts of useful Learning, especially in Divinity, are more learned than himself; and no body can deny but there are several better Preachers amongst 'em. He says *they serve only to haunt Taverns*, (which is a foul Scandal) and *eat Commons in the Hall*, which (according to his Humour) he reckons a Scandal too. It will not be improper in this place (since common Justice, Charity, and good Manners are not sufficient to restrain him) to remind him of a Statute: *Satui- Cap. 20.
mus porro mandemus & hortemur ut Magister, Socii, Coll. Scar.
& ceteri in Collegio degentes, Concordiam, Pacem, Unitatem, & mutuum inter se Charitatem, pro virili foveant & observent; Scurrilitatem, Scommata, Probra, Scandala, Verbo vel Facto omnino vitent.*

If he ever made the next Demand he mentions, it *Augmenta-* was also upon their denial of some other Demand for *tions* himself. This pretended *Encroachment* is that *the Vice-Master, Senior Bursar, and Senior Dean in the time of the Rebellion, in the presence of the then* (I suppose he means ejected) *Master, and therefore without*

P. 24.

any Authority did make yearly Augmentations to their Salaries, and at the Audit paid one another without the Consent or even Knowledge of most of the Society. But mark what touches him nearest: *There is nothing like it made to the Master*; therefore the taking 'em away was for his profit. But 'tis false to say, *there is nothing like it to any other Officer or Lecturer of the House*, for there is to the Auditor, and (not to mention poor Vicars) to several others which he knows very well, else how can he value himself as he does after, for taking 'em away from the Steward and Senior Bursar? I will not say many of the Master's Perquisites are like it, because they are so much worse, even some of those not of his own Incroachment. To mention but one, That he who has such an *Apartment*, and is to distribute Chambers according to the Statute, even to the Scholars, should keep three of them to himself, for which he receives twenty four Pound a year Rent, when at the same time five of the Fellows have no Chambers at all, besides his taking to himself lately, and receiving Rent for another upper Chamber, which I hear he justifies by a Scrap of Law not rightly apply'd, *viz. Cujus est solum ejus est usq; ad calum*, which if he could make to hold in all Cases, the Gentlemen of the Inns of Court who have the ground Chambers, will be very much oblig'd to him. His own and other Encroachments in these and other Matters are reserved.

But not to reason like him, by answering one Incroachment by objecting another, these *Augmentations* (I think all of them amount to no more than 30 *l. per Annum*, were made by the then governing part of the College to the Vice-Master Senior Bursar and Senior Dean, because they have extraordinary Trouble by virtue of their Offices; and were always paid by the Bursar, and enter'd in the

the Publick Books where his other Payments are, tho' he says *they paid one another without the Consent or even Knowledge of most of the Society*. Whether 'twas in the Master's Absence does not appear, neither is that very material; for I don't know one thing by the College Statutes, except using the College Seal, but that the Vice-Master and Seniors may do without his Consent or in his absence; and as to his not having an Augmentation also in this particular, he had too much before, since he has not the Tythe of the Trouble they have, especially the Burfar; and except the Examinations for Fellowships and Scholarships, each of which are but once a year, a quarter of an Hour in a day, one day with another, does his Business as Master, besides what he spends in finding out new Lights to assist him in his Projects, and making new Interpretations of Statutes to serve his own purposes. His Duty of coming to Chapel I suppose he will not call Trouble, because he makes none of it; for 'tis under every Bodies Observation, that he is very rarely there, and when he is, he had better be absent, for by his careless Behaviour he plainly discovers, that he thinks himself above that Business, and is continually giving himself Airs with his Snuff-box; tho' a Master's good Example in that particular, is much the greatest Good, especially in relation to Discipline, that he can possibly do to the College. At St. Mary's Church his Behaviour is something different, for there he generally sleeps, in despite of his Snuff-box.

But the Vice-Master, Senior Burfar, and Senior Dean, must take care whom they accuse, lest they lose their *Augmentation* by a higher Power, or if the Sense of the College be of any moment, he will put it to the Suffrage of the sixty five, and if the Majority, even without the Master's Vote (which is very considerable among so many) do

not cast out these Usurpations, let them patiently truckle under them for ever. This is the first time I ever heard him reckon the Sense of the College of any moment; the second was but t'other day, when he said of one of the Subscribers, whose Turn it is by a present Vacancy to be Senior Fellow, that if he agreed to his Proposals of stopping this Prosecution, he might be Senior Fellow, otherwise (tho' by Statute they are to be chosen by him and the Majority of the Seniors only) he would not consent, but would put it to the Vote down to the lowest Scholar.

P. 22.

But he proceeds upon the *Petition*, and is again angry with the Words of it, and his Reason is, that he shou'd be thought so foolish as *to threaten to take away known Perquisites with the forced consent of the governing part, or how cou'd the governing part be forc'd?* How foolish he may be the Reader has had some, and will have more Opportunity to judge. And as to this point, Whether *the governing part* be apply'd to those that do, did, or ought to govern, as it may, 'tis plain he might and did threaten those that now do, did and ought to govern and forced them likewise; tho' they were not *the governing part* in fact, in the very Instant when he did so. And for his other Exception, That 'tis not said, that they were *due, just, or lawful Perquisites*, that lies upon him to answer in due time, whether he *duly, justly, or lawfully*, took those *known Perquisites* away; but the *Petition* does not please him, nor was it ever design'd it should, but it pleases others never the worse for that.

Next is the true *Masterpeice*, the principal Piece of Artifice in the whole *Letter*, by way of prevention to endeavour to make that his Glory, which is a burning Shame.

Pandoxator.

P. 22.

He says, *Trinity College for above a hundred Tears has had a Bakehouse and Brewhouse of its own, and the Senior Fellow who looks after those Offices*

is call'd Pandoxator; the Gains had long ago begotten a Pandoxator's Dividend, to the Master 20 l. to the eight Seniors 10 l. absent or present, to the rest of the sixty five, five Pound each, if they resided above half the Year, else nothing: This says he, I did effectually put an end to; and as he believes with the forced Consent of the governing Part; and after he says, without any Consent at all; (for that was not to be hoped for (not without asking) and the Statute in that Case required it not.) In 1707 I displaced this Clerk, and four Bakers, and four Brewers at once. Heroically done!

P. 23.

Here is an Account from his own Mouth of such an Arbitrary Fact, that the greatest Man in the greatest Office in a free Nation, durst not be known to do, with so little Colour of Justice on his side: Such an Article is enough to destroy those who have much more Wisdom and Power to defend themselves than this Letter Writer has: No wise or just Man, tho' he had seen manifest Corruption in Offices, that had continued but a quarter of that Time, but wou'd have advis'd with every one that had but the Glympse of Power, before he would have ventur'd to abolish 'em in this insolent manner; yet *without any Consent at all of the governing Part*, this I displaced the Clerk, and four Bakers, and four Brewers at once, from Offices that were, for ought appears, coeval, or perhaps before our present Statutes; and put an end to the Fellows Dividends, that might have been of as long Continuance; tho' this I has no more Power by the Statutes, or any other way to do such a thing alone, than the little I that writes these Remarks: Neither has he Power to do any thing alone, except appointing the Law and Physick Fellows, and two or three other most trivial Matters; as he is to appoint, upon which Day be-

P. 23.

Coll. Stat.
37.

tween the first of *September* and the first of *October*, the Election of Fellows is to be, and he has only the meer Nomination of his Servant for his Chamber, his Footman, his own and the College Groom; but neither they or any other of the meanest Servants, if they commit any Fault, can be turn'd out or corrected by him, without the Concurrence of the Bursars and Steward: Yet this Man argues, that because *the Statutes* don't expressly mention or *require the Consent of the Seniors*, as how should they, (these Offices being not once there mention'd;) therefore the sole Power over them belongs to him; tho' he has it not over the other meanest Servants; and these are Offices that must by the Nature of them be trusted, and are of as much or more profit, than most in the College. I suppose he imagines, that all Power that is not expressly given to others, belongs to him by Original Right, or because he says, he is Lord of the Mannor. This is not unlike some other of his Claims.

Bowling
Green.

The College, as most other Colleges, have had for many Years a bowling Green, which costs about 5 *l.* a Year, where there is a Summer-house, and other Conveniencies; this he had a Mind to have to enlarge his Garden, and when he closetted and teaz'd a great many for their Consent, and could not get it that way; he said, *he was Lord of the Soil*, and would have it: But his Head being taken up with more advantagious Projects for himself, the College do yet enjoy their Bowling Green.

Grass Plats.

There are likewise two Grass-plats within the College Walks, where the eight Seniors for four or five Months, always put their Horses to grass, because they are not convenient for above that Number; but he said they of Right belong'd to him as Lord of the Mannor: And he did once exert

exert this pretended Right in the same Case; for there was a small Garden near the Kitchen, belonging to Bishop's Hostel, which the College Cooks used to have for Pot-herbs, Sallads, &c. this after the last Cook's Death, he forceably disposed of by taking the Key, and giving it to one of the Fellows, expressly against the Consent of the Seniors, who would have it continued to the former Uses: He can only say, he gave it to a proper Person, the Grandson of the Founder; but that is nothing to the Right.

Nor is it any excuse to him to say, the *Pandoxator* Dividends were in unequal Proportions, or that there were Corruptions in these Offices, or that the College save by the present Method, *and that we have now the best Bread and Beer in the University*, we have sometimes good and bad of that sort, and so we had before; and as for the Corruptions, I cannot hear to whom they were made appear; if there were any, they might otherwise have been redress'd by the proper Authority: And the Method is by him alter'd for the worse, in as much as each Office being in the Hands only of one without any Check, they are lyable to greater Corruption: But if not Compassion and Tenderneſs to so many Old Servants, yet right ought to have been regarded. Might not any single Fellow of the College with as much Right, take away the Keys of his Lodge and deny him entrance? That would be more to the Advantage of the College, and the abuse of that Office I am sure of late Years has been more notorious: Nay, I do affirm for Law, (with Submission to better Judgment,) that 'tis now in the Power of the Vice-Master and Seniors to shut up his Lodge, and expel him the College for what he has done. Besides those things in the 40th Statute, for which we are before the Bishop of Ely;

Ely; they may acquaint the Queen with the Expulsion and Vacancy, and desire her to nominate a new Master, and put him to contest the Right of it, if he thinks fit.

But the other Branch relating to this *Pandoxazorsbip* shews the true Design, and that he did not these Arbitrary Acts, but as others generally do, with a View of Profit to himself; for tho' he says, *he was yearly a loser by putting down that Dividend*, yet the contrary is Demonstration; for that Money now going to the College Stock, out of which the other Dividend is made, he has a greater share of it; for out of the latter Dividend he enjoys now six times; and in that which he took away, he had but four Times as much as a junior Master of Arts; and tho' the junior Master of Arts had none of the five Pound, if absent above half the Year; yet 'tis not to be suppos'd, any or but very few are absent so long, because contrary to Statute: And tho' their Absence may be is for the good of the College, yet in fact, I cannot find that ever so many were so long absent, so as to bring his Proportion to so little in the present Dividend as in the former: And how much more would he have gain'd by taking it away, if he had advanc'd the other Dividend as he design'd, and had in View when he did it?

But what smells ranker of Self-interest, is that this, *I made also a Contract, with one Baker, and one Brewer to do the whole Work*; these Contracts were upon the College Account, and that in two grand Articles, their Bread and Beer; they are to pay the Men for the Work, and who empower'd him to make 'em? Did the College consent, or did they not dissent? Or are they yet acquainted with all the Terms of these Contracts? Might not he several ways have a *Premium* for them? Might not he this Way more unobserv'd, have what

what he pleas'd out of their Offices to the Lodge? Would not the new Officers be more willing to oblige him in every way? Or what could they deny him, as having and holding their Offices only at his Will and Pleasure? And can the Senior Fellow, whom he only charges with five Pound, be supposed to have been a greater *Smugler* formerly than in all probability he has been since? And has not he had more *glorious Days* of late, than ever they had or hope to see again? In short, does not all such clandestine bargains induce a violent suspicion?

P. 24.

The next instance of his *taking away known Privileges and Perquisites*, is his causing none but those under the standing of Batchelor of Divinity, to be chosen junior Bursar, or Steward; tho' their Seniors, if they have not actually that Degree, and are fitter for those Offices, (if one Fellow can be fitter than another) ought to be chose: For by the College Statute, the Master and Seniors upon Oath are to choose the fittest, and if any, those are likely to be so, who have been longest acquainted with College Affairs. For 'tis only the meaness of those Employments as going to the Shambles with the Manciple, and overlooking the Workmen, &c. which seems to be the Reason of the Statute in excluding those Degrees, and not what the *Letter* mentions: So that the observing this new Order of his, may cause a Breach of Oath, as well as of Statute, and the Supposition that every Body took their Degrees as soon as they came to be qualify'd by standing, or otherwise, is false in fact, as well before his Time as since: And if the Founder had design'd they should do so, it would have been enjoyn'd by Statute as the Degree of Master of Arts is. But this Order was made to serve his designs, as others were, which with his Practice of making Lectures as he pleas'd, without

Coll. Officers.

Cap. 11.

Some Remarks upon

out regard to Seniority, or Consent, has been of great use to him: For tho' the Seniors by Statute are Co-electors with him, yet he has so broke them, that in fact, they have had no Share in their Elections; but he has only told them who the Persons should be, or brought them to be sworn before them; tho' they ought to be made, *per Aperta Scrutinia*. So by colour of this Order of putting the Juniors into Offices, and exercising the whole Power also in making Lecturers, and allowing Deputies in 'em, or not, as he liked the Persons; he could please the Juniors, and displease the Seniors, when it served his Purpose; and please and displease every body in their turns; which must of necessity make a great Dissention among the Fellows; for none could have a good Will to those who were put over their Heads in such Offices, to which every one was alike qualify'd: And on the other side, those so prefer'd owed an Obligation to the Master, and if they did not make a Promise beforehand, yet if they ever after but murmur'd against what he did, or was about to do, they were twitted with this Obligation, even in the ridiculous manner as to say, *do you think, I will ever do such or such things for you again? Do you think, I will ever give you leave to go to Durham again?* So that he expected to have many, and had some Complyers on this account: And the rest of the Fellows, tho' they were disoblig'd, yet having some petty Quarrels with one another about College Affairs, it was natural to fly to the Master, to get him of their Side; he having by Statute much the greatest, and in fact for many Years the sole Power of the College: Which in all probability he would have continued all his Time, and propagated to his Successors, if he had not presumed too far, in making these exorbitant attempts.

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By this may be seen, the Improbability of his Pretence that he did not attempt this Order, till six Years after he had it in view, lest he should not succeed; for the Seniors have not had the Resolution to deny him such a Trifle as this for many Years: And as the threatening to put these Offices down into the hands of Juniors, was a means to gain compliance from some; so the actual taking away their reasonable *Augmentations and Perquisites*, was a plain present profit to him: for it enhances the College Stock, by which more comes to him in the *Dividend*, and by which they might the better afford to allow his Demands: But their Consent to this, he says, *he extorted from them, by mere force of Reason and cogent Arguments of Shame; and ever since these Offices have been serv'd by good Mathematicians, who are fitly qualify'd for Accounts and Measuring of Work.* *Risum teneatis!* How can these Mathematicians provide Commons and direct the Servants in common Affairs better than others? Or how any body that can tell twenty, or ever was Fellow of a College (unless he be dishonest or prodigal) should be unfit either by himself or Deputy, for either of those Offices no body can imagine! What he says more of this matter, is meer Scurrility, except one Complement to the Bishop, which is that *now they hope by his Lordship's Encouragement, to set all things upon the Ancient Basis, and retrieve their once known Privileges and Perquisites:* As if his Lordship would encourage them in such things, which he has been all along endeavouring to make appear horrible Corruptions: He had better acknowledge that they are not such, or retract his Compliment, that the Bishop never gave any Encouragement for any hopes of retrieving them.

What he says of Mr. R ——— no body but him-
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self would, of one in Orders, and one whom he had so lately chose senior Fellow; tho' indeed he did not do it till after the statutable time; I suppose, that he might keep him in awe, by telling him upon occasion that he was not duly chose; neither did he admit him till he had sent him some threats what he would do, if he did not comply. And as to the particulars which he upbraids him with, one of the Carpenter's Bills, the Gentleman himself denies it, and I can hear of no Proof against him; the other, of his not having a Surplice and Hood, being ask'd whether it was true, he answer'd, he might have borrow'd the Master's, for he never used it himself. Let him examin whether all his five Subscribers have a Surplice and Hood.

P. 27.

'Tis not worth while to examine upon what grounds he says *this Man is by his Office to provide Wood for Fewel, for the use of the Master*, it can be upon no other than the Excess of Impudence. He might have said that he had laid his Commands on some in that Office to provide him Wood, but he cannot wrest any Statute, so far as to give any colour, that any Wood or so much as Coals, or any Fewel, should be provided at the College Charge for the use of the Master; and this of Wood for him is an Encroachment begun by himself, as well in the Use as Abuse of it; and it has already amounted to 17*l.* 02*s.* 6*d.* in one Year, tho' he was absent about half the time, besides 93*l.* 01*s.* 09*d.* for Coals, Turf, and Sedge in the same half Year.

Ibid.

What he says of Mr. J—, besides a little Scandal, is chiefly of his owing the College Money. If that be a Crime, 'tis an Answer in his way, to bid him look again among his five Subscribers. Tho' their being Subscribers for him makes them all *Flowers*, as no doubt Mr. R—— and Mr. J—— would

would have been, if they had not been in the contrary *List*.

Next he presents his Lordship with another piece of good Service which he did to *Trinity College*, which also is not without the usual Leven of self Interest; and that is *his Regulation of the Expences in the Hall on all Festivals*; but the present Allowance is not, as he says, *more ample*, but much less than several other Colleges in the University, notwithstanding the greatness of our Revenues: Neither can the Expences before, or consequently the Sum saved, be made out to be near so great as he puts them; much less can it, *that the Scum of the Town were commonly invited*, which he says *made the thing more scandalous than the very Excess did*. This wou'd amaze every body that did not know the Man that says it; for those that were *commonly*, and indeed always invited, on *Trinity Sunday*, were all the Masters of Colleges and Doctors in Town, who did us the Honour to come in their Scarlet; there were few others, and none of those under the Degree of Masters of Arts, except one or two of the Town, who generally at home eat better than we do. A Stranger might, I do not wonder, at such rude and scurrilous Language from him.

But as to the Reason of this Regulation, tho' Money is saved, and enough is as good for the Fellows as a Feast, yet the present Allowance of 2 s. 6 d. a Man on that Day, with an Exclusion of all the Doctors and Strangers, and half the Sum upon others, call'd Festivals, and a quarter on other Days, is not suitable to the Revenue of the College, or to the Hospitality that is expected from such publick Societies, nor to the Honour of the Founders; nor is it any Relief or Comfort to the inferiour Servants, and some poor People, who did partake of it upon such

Occa-

Feasts.
P. 28.

Ibid.

18. Eliz. 6. Occasions. Besides, the Act of Parliament, which obliges us to reserve a third part of our Rent in Corn, enacts, *That the Wheat, Malt, or Money coming of the same is to be expended to the use of the Relief of the Commons and Diet of the said College only.* Therefore, unless we spent more than the Corn Rent, in Commons; why must he boast of a *Regulation*, directly contrary to an Act of Parliament; where unless we spend the whole in Commons, the Penalty is no less than *Deprivation*, to him and all that consent to the contrary? If that is not Justice, much less is it not to regulate and reduce his own Commons or Allowances for Festivals in the same proportion.

After these notable Instances of his OEconomy, the better to enable the College to maintain the Lodge, he thinks by the Merit of 'em to answer a very material part of the Complaint, which is, his taking, and threatening to take away *even Fellowships and Scholarships from several in particular.* I own he has dissected that Clause like a learned Commentator, and given the true Sense, but he ought to own that all the particulars are criminal; for where Consent is necessary to any thing, a threat to do it without, or with that Consent forced, is criminal; no matter what the Person threatned deserves. But since by the Statutes it may not amount to Expulsion, I will not insist on these Threats, *but be content if he can answer to the Accusation, about actually taking away Fellowships and Scholarships*, and prove that he was obliged to it by express Statute, by the very Words of his Oath; but for his Considerations of the Honour and Advantage of the House, or what he may call so; or the Examples of other Colleges, if they were prov'd, they are nothing to the purpose.

He owns *two Fellows of his own electing were expelled in 1708, propter crimina majora.* It is

Expulsion
of Mr. B—
and Mr. W—

to be noted, that these two Fellows were expelled without Summons, Hearing, or Proof; one after the declared Dissent of the Seniors, the other not with their Consent; which makes their Expulsions expressly against the Statutes. To salve this he makes use of (as he has need) a great deal of Artifice; he says *they were fallen into such ill Courses and Enormities as could not be tolerated there without infecting and ruining all the Youth*, which is not true: But he goes on, and says, *The only Query with an honest Man wou'd be, Were these two a publick Mischief to the College or no? Were their Offences justly punishable with Expulsion by Statute?* How these two can be the only Queries is difficult to make out; but what honest Man, with but a tolerable share of Wisdom, would allow these to be the only Queries? Would he not query whether they were expell'd by a lawful Authority? And altho' their Offences might be punishable with Expulsion by Statute, he would query whether the Method prescribed by that Statute was followed? For nothing can be *more dangerous to any Society*, and it cannot be tolerated without a publick Mischief, *to suffer mortify'd Limbs to be cut off by those who have no Authority, or if they had, to do it not in the legal Method*; is it for the Preservation of the rest of the Body, that a Limb should be cut off by one that is no Chirurgeon, or by one without the proper Tools, when both may be had? This is not said to have them in the Society again, to add *two more Names to the List of the Subscribers*; for 'tis plain, if there were but two in all, 'twould be sufficient to the Merits of the Cause.

P. 301

Ibid.

Ibid.

But what follows will appear to be as much Trick as ever was imposed upon a Reader, together with a Crime of a higher Nature. First he says, *The Order for their Expulsion, in the Col-*
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Ibid.

lege Register, is thus. By the College Register he means the Conclusion Book, where the Orders of Master and Seniors, or Vice-Master and Seniors are generally enter'd, and the Seniors always entrust the Master with the Entry; tho' the entrusting this Master with it has been to their Cost. It is worth notice how he gives it the Name of *College Register*, that it might appear of some Authority, and as if the Entries were made by an indifferent Officer; this is to prepare the way for the Order; which is *April the 15th 1708.*

Ordered by the Master and Seniors, That the two Fellowships late of Mr.——— and Mr.——— be declared void; the Word *late* makes the whole Order Nonsense; but that is not worth notice. *Which Order*, says he, *being entered*, tho' without, and contrary to, the express Consent of the Seniors, *two other Fellows were elected in their Places, by the Master and all the eight Seniors, Nemine contradicente.* He is sensible of the want of the Consent of the Seniors to this Entry of his, therefore he does not apply the *Nemine contradicente* to the Entry, but to the Election of two others, as he calls it, in their Places; by which he artfully endeavours to make the Consent of those or other Seniors, to the electing other Fellows about half a Year after, at the time of their annual Election, to supply the want of their Consent to the Expulsion of these; because those that were chose at that time help'd to fill up the Vacancies which were made by it; tho' the Seniors cou'd do no otherwise than choose some body, because there were truly Vacancies, the expelled Fellows not appealing. But he improperly calls it choosing others into *their Places*; for the Usage never is to choose any into another Fellow's particular Place, as it falls vacant; but by Statute they choose once a Year, if there be a Vacancy, and

P. 30.

Ibid.

and then they choose as many as they think fit; often three or four, tho' there be but one Vacancy; not particularizing into which Fellowship any one is chose. But if it were as he would insinuate, how can the Consent to an Election, half a Year after, be drawn back to the former unstatutable Expulsion?

But it behoves him to find out a Plaister for this Sore, all the ways he can, and knowing this is not sufficient, therefore his next Artifice is to raise a seeming objection of his own, *But it seems,* says he, *this was done by the forced Consent of the governing part of the College;* they never will object that, for 'tis well known it was done without any Consent at all. But after he had feigned this Objection, then he seems amazed to see eight Seniors so blindly follow Mr. Miller in an Accusation of themselves, for says he, *their own Consent is here express'd;* 'tis true it is, but for its being so, he is guilty of a downright Forgery. Herein he himself discovers a Glympe of his Artifice, for he does not say their Consent was given, but *'tis here express'd;* tho' after, to hook in a forced Consent, which he thinks something better than none at all, he asks, *Why they did not freely consent?* for, says he, *consent they did;* if he means they consented to their Expulsion, 'tis a downright Falsity; if he means their Consent to the electing other Fellows afterwards, which succeeded in their rooms, 'tis trivial; or if it was, as he says, their forced Consent, 'tis as none at all. So he has hopped from one Twig to another, but at last into a Snare, whence he never can get out.

P. 30.

Ibid.

Neither is it any Defence for him to roar at their Crimes, which he says *are so notorious, of the one in a Court of Justice, of the other re ipsa by Confession.* What notorious Crime this was in a Court of Justice, I cannot hear, any otherwise

than that one of them once enter'd into a Recognizance of 20*l.* to appear at the County Sessions in *Berkshire* for an Assault and Battery; but did not appear, because they had taken his Name wrong, which he thought a sufficient Excuse. The other's Crime can hardly be reckon'd among the *majora crimina* in the Statutes; he had cut some of the College Plate to pieces, as supposed in order to melt it; whether that (tho' very scandalous) be one of the *majora crimina*, under any general Head there mention'd, is a Question; but if it were, he was not statutably expell'd, for tho' I have heard he confess'd it, by Letter to one of the College, yet I never heard that Letter was produced, or proved to be his Hand before the Master and Seniors, or that he was ever summon'd to appear, or that he confess'd his Crime before them, as the Statute is express he must, unless he be convicted before them *idoneis testibus*; whereas neither in his Case were there any Witnesses at all. And tho' the Seniors did not openly dissent to this Man's Expulsion, yet they did not consent; or if they had, yet the not pursuing such necessary Forms of the Statute, and of common Justice, must make it an illegal Expulsion; and if the Seniors had joyned in it, 'tis no Excuse to him; neither is there (for good Reasons) the same or any Punishment inflicted upon them for so doing. I suppose one Reason may be, that they might be thought generally too apt to be led by the Master, or be *over-bore*, as he calls it, *by him in Discourse*.

Coll. Stat.
Cap. 38.

P. 31.

The other Gentleman's Crime, Mr. *Brevall* by Name, was, as far as one can know another Man's Conscience, some bickerings between his Father and Dr. *Bentley*, which happen'd once at *Westminster*, which was never forgiven, but reveng'd upon the Son soon after his Father's Death; and he took

took this Opportunity to turn him out, with the other for Company. The Story of this bickering I confess I have only by Report, the grounds of which I have not time to enquire into; but if it shou'd be groundless, I think the mentioning it is pardonable, against such a Wretch who is guilty of so many Crimes of the same nature. However, the Seniors did not only answer the Proposal of this Gentleman's Expulsion with Silence, as in the other Case; but they openly dissented, and said there was no Proof against him, and that they might have trouble by it; he barbarously and insolently reply'd, *Never fear that, his Father dyed as poor as he could p——s*, and that *they were all Beggars*, with some other Expressions of that sort. This Gentleman neither was not so much as call'd before them to answer for himself, not one Witness, or scrap of Evidence produced against him, not the *notorious Record in a Court of Justice*; he only told them *he had beat a Man, and committed Adultery with his Wife*; the first he can't pretend to be Expulsion; of the second, as far as I can hear, he was not guilty. The Gentleman's Acquaintance, and those of his own standing, who generally know such things best, solemnly affirm that they believe he only beat the Husband for his ill usage to his Wife, which was very frequent, but that he never committed the latter. He was known to be a sort of Romantick Platonic Lover. And whether this be true or no is not at all material in this Case, by reason there was not the least Proof of his Crime, either before or after his Fellowship was declared void.

Now the Reader may plainly perceive what Artifice, and sly Expressions and Evasions were used in dressing up this Story, *The College Register, the Order being enter'd*, the Words AND SENIORS in great Letters, *two others were elected in their*

room, by the Master and all the eight Seniors, *Nemine contradicente*; his various Endeavours to hook in a forced Consent, rather than none at all; as appears by his many Queries of what Methods he us'd to force their Consent. Then *their own Consent is here express'd*; they dare not move to have the Merits examin'd for a Restoration, their Crimes were so notorious they will admit of no Palliation or Evasion. What is this but vilely imposing upon his Reader, and by as base Arts endeavouring to evade a piece of as arbitrary Practice as ever was committed? Why does he pretend he omits their Names out of kindness, and seem to insinuate that their Families will take it ill if they are published; but that he is conscious of his own Guilt, and would have nothing said of it? I am sure the Family of one of them desires nothing more, than that he may be justly punish'd for the Injustice he has done them, in him.

P. 31.

Mr. Miller's Expulsion. The next and last Instance of his expelling a Fellow, is Mr. Miller himself, whom he does the Honour to call the *Author, Abettor, and Manager of this Accusation*. There are so many other honest Gentlemen jointly concern'd in this matter, that it would be Injustice in him to assume all that Honour to himself; but he says he is very well pleased with the share that he has in it; for tho' he never did any body any harm, yet he never before had an Opportunity of doing so much publick good in his Life.

P. 31.

This Expulsion, if it were only in regard of the time, will appear ridiculously passionate and mean, and more in open Defyance of the Statutes, and his Oath, than either of the former? tho' he promises to *vindicate it both by Statute, Equity, and Precedent*; which, as to the Expression, is the precedent of the Ballad, *both all three*. He begins with two Statutes, the 19th. and 12th, but with the

P. 32.

the last first for a certain Reason ; but for a contrary one, I shall take them in their Order ; the 12th giving Directions for the choosing of Fellows, says they only are to be chose *quibus solum sacra Scriptura Studium & Professio finaliter proposita* Coll. Stat. est exceptis duobus quorum uni licebit operam dare Cap. 12. *juri civili alteri medicina*, by which Words I observe that the Study of Divinity is one thing, and the Profession of it is another, *Studium & Professio*, and no doubt it is the same of Physick : And if the Statute had required one of the Two to profess Physick, it could hardly in this place have avoided saying *quorum uni finaliter proposita est studium & professio Medicina*, or some such Words ; it does not say so much as *Studium*, only *licebit operam dare*, he shall have Leave or License to do his endeavour in, or let it be if he pleases, to study Physick.

The 19th Statute says, that all Masters of Arts of Seven years standing, shall be *ordain'd Priests*, Coll. Stat. or expell'd *exceptis illis duobus juris civilis & Cap. 19. Medicina professoribus*, which I translate, except those two Professors of Civil Law and Physick ; Dr. Bentley translates the same words *except two, one of whom is Professor of Civil Law, and the other Professor of Physick* ; this is I suppose to give a false colour to the Statute, as if it affirm'd they were actually Professors, which he afterwards calls Doctors ; and here his Design is manifest in not citing the Statutes in Order, for if he had, it would have easier appear'd, that the Words of the last Statute refer'd to those of the first, as 'tis plain they do by the relative *illis* ; *Exceptis illis duobus*, for which can the Two be but those *quorum uni licebit operam dare Medicina, alteri juri* Coll. Stat. *civili* ; so 'tis all one as if this second Statute had Cap. 12. said except the two before mention'd, or excepted in the 12th Statute ; and using the Word *Professoribus*,

is no more than the necessity of the Expression required; for what other Word could the Statute use? if it had said *Exceptis illis duobus juris & Medicinæ Sociis*, it would have been harsh and uncouth, or *Studiosis*, might not have been proper, because they might by chance if they pleased have been either Professors or Doctors; so the Word *Professors* was used only as a Description of the Persons that were mention'd in the first Statute; nay, without such reference these Words in the Statute can never amount to an express Injunction upon them, to be either Professors or Doctors; nor is there any probability they were so intended, for if they were, when the Statute says all others shall be ordain'd Priests except those two, it wou'd have certainly said that they also should be ordain'd, or be Professors, or take the Degree of Doctors.

So when it says the rest shall be expell'd if they are not in Orders, it would have added also that the two excepted should be expell'd if they were not Professors or Doctors, if it was so intended. Therefore if those two had been expressly injoin'd to study Physick and Law, yet if they did not, there being no Penalty of expulsion expressly annex'd, I am sure that Penalty in the first Instance ought not to be presumed or exercised.

His next long Paragraph is full of Insolence and Banter, but you may be sure not without some Fallities; if there is any conclusion in it, 'tis that *certainly Mr. Miller having neither taken a Degree in Physick, nor study'd the Faculty*, which is more than he knows, *can have no just title to that Society*, but no doubt the true Reason is, because as he says *he defy'd him, he threaten'd him, he reviled him*, or did that which displeas'd him as much. And thereby hangs a Tale which I beg leave to insert here, by which the Reader will see

see how *Mr. Miller*, by *undertaking to purge the diseas'd head*, first open'd his Eyes, after ten years Blindness in the Interpretation of those Statutes; and how by one Afternoon's Discourse he was more sensibly touch'd in his Conscience in regard of his Oath and them, as to the Physick Fellowship; than he had been in all that time before, tho' no doubt he had long made 'em both his study day and night.

When *Dr. Bentley* by continual Solicitations and Importunities, for a long time had at last arrived at his fancy'd Interest, and the vain hopes of getting the Senior's Consent to his *two Projects*; it happened upon the very day of their Meeting, that *Mr. Miller* came down from *London* about the time he used to do, it being a little before *Christmas*; not on purpose to defeat them, for he had heard and believ'd that the Seniors had consented, and so *Dr. Bentley* had caused it to be publish'd, I suppose least his best Friends should dissuade him from any farther Attempts, because they, together with his base Methods in carrying them on, had made a great noise almost all over *England*, much to his disadvantage. *Mr. Miller* had troubled himself very little before about these Matters, especially as to dissuading any from giving their Consent; but he had told those that ask'd him his Opinion, that he thought his Proposals were unreasonable, and thinking the Seniors had consented, he had determin'd with some others at *London* to appeal to the Visitor whoever he was; when he came to College, it was easy to perceive in their Countenances how most of the Fellows were terrify'd, as well as dissatisfy'd with what they thought was doing; they scarce spoke one to another, but looked like so many Prisoners which were uncertain whether to expect military Execution, or the favour of Decimation;

tion ; any one that had it in his power ought in compassion to have done them what Service he could ; but by chance one of the Seniors hearing that Mr. *Miller* was come, and declared his Opinion against the Projects, (tho' by Artifice it was falsely given out, that both he and Mr. *Felton*, with others that were absent, had approved of 'em) he told the Master, and the rest of the Seniors, at the *Meeting*, that the Seniors were at most but Trustees for the College, and they could not give away so much College Money without their Consent ; and they desired to know publickly what the Opinion of the College was, or to that effect ; and proposed that Dr. *Colbatch* Casuist Professor, Dr. *Ayliffe* University Orator, and Mr. *Miller*, should be heard before them what they could say ; tho' this Method was unusual, yet it was not thought unreasonable ; and it being proposed to them, they all said they would be in their Chambers, and would come to the meeting (which was to be the next day) if sent for ; if they had refus'd, they were afraid the Seniors, would have, one time or other, been prevailed upon some how to consent, and might fairly have pretended that none of the College would publickly stand by them, and they could not always resist such Importunities and Threats as the Master used.

At the *Meeting* next day they sent for Mr. *Miller*, without the other two ; when he first came, this great Politician read the 12th and 19th Statutes to him, and asked him, whether he was Doctor of Physick ? Mr. *Miller* answer'd, that there was no occasion for the Question, for he knew what he was as well as he himself could tell him ; 'tis false, that he ever ask'd him whether *for the future he would conform or qualify himself* as he calls it ; and this is all the actual Refusal that ever Mr. *Miller* made,

made, as far as he remembers ; however, he told Mr. *Miller*, that if he was not Doctor of Physick by *Lady-day* following, he would declare his Fellowship void. Mr. *Miller* said, That was not worth talking about, he thought he had sent for him upon another Account ; then he told him, he had no right to speak, as being not a Party grieved, but after a few other Impertinencies he was heard, tho' not without frequent Interruptions.

When Mr. *Miller* had said what he thought proper, not one of the Seniors, from that time to this, ever shew'd any Inclination to consent to his projects, and indeed they had little or none before.

He pretended soon after to be mightily concern'd, and some gave out, that he was in such Agonies (poor Man) that they would pity him if they saw him ; indeed it must be surprizing to him, to hear so much Truth spoke to his Face, tho' there were *no opprobrious Words or insolent Behaviour*, not one uncivil, much less scurrilous Expression, only some of his Designs and Matters of Fact were plainly laid open, from which he might draw Conclusions, that Mr. *Miller* did not, nor cou'd any body else reckon him one of the honestest Men.

P. 33.

Yet this did not discourage him, for within a few days after he call'd another Meeting, and ask'd the Seniors whether they would be lead by the Nose by a Lawyer ? *Lawyers were the most ignominious People in the Nation* ; which last Expression he had used before. But this not gaining a Consent, he threatned 'em with the Queen and Council and others, which not forcing one, he went to *London*.

Before his return, the first Paper was subscribed against him : He return'd much sooner than was
ex.

expected, and very much nettled at the Subscription, soon calls a Meeting, and preaches to them that Mr. *Miller* ought to be Doctor of Physick; and having order'd the Butler to attend with the Buttery-board, he could not refrain till the appointed time, *Lady-day*, but cut out his Name immediately.

P. 33. I don't see how it makes for, but against him, to say *in the presence of the Eight Seniors*, when 'twas contrary to their consent; tho' he had been at that height for several years, that even at the Election of Officers, which the Statute enjoins to be *per aperta Scrutinia*, he seldom ask'd their Consent, but if they said nothing, tho' often they design'd to speak, he would do and enter whatever he thought fit; however in this Case the Seniority all declared their dissent, and then he told them he did not care for it.

Ibid. So his Eyes being open'd since the said Conference, he (conscientiously no doubt) did what he ought not to have done at all, or certainly not at that time; and which he spends twenty Pages in weakly defending; and in this Paragraph, where he hints at these Transactions, is contain'd so much Pride and Arrogance, as cannot be so naturally expressed by any body that is not naturally affected with those hated Vices.

P. 34. But because he wickedly and hypocritically pretends part of his Oath in this Case, which obliges him to construe the Statutes truly and sincerely in a grammatical Sense, (as it has done the same in all Cases, ever since he was Master, and will be an Argument against him in this) I beg leave also to mention another part of his Oath, that the Reader may see whether he has observed either; which is, that he will govern and defend all and singular the Fellows, Scholars, &c. and the rest of the Members of the College, out of the Statutes, without

without any *respect of Persons, favour or hatred*; and in the 2^d Statute concerning the Master's Office, which he is also sworn to in the Cognizance or Determination of any Cause, he is not to obey favour or hatred, or any *perturbation of the Mind*, but always to follow Equity as his guide.

Omnes & singulos Socios & Discipulos, Pensionarios, Sizatores & Subfizatores, & cætera Collegii Membra ex iisdem Statutis & Legibus, sine ullo generis aut Conditionis aut personarum respectu gratia odiorum rectorum & defensurum. Col. Stat. C. 2.

Neq; gratia in causis cognoscendis discernendisq; neq; odio neq; nulli animi perturbationi pareat sed aequitatem ut ducem semper sequatur. Col. Stat. Cap. 2.

'Tis pretty plain in what tranquillity of mind he was, and how favourably disposed to Mr. Miller, when he took upon himself the Cognizance and Determination of his Cause; without doubt he had no respect of Persons, but if one of his Subscribers had been in the Physick Fellowship, and not Doctor or a famous Practicer, he wou'd at that time have cut him out.

Mr. Miller appealed to the Vice-Master and Seniors, according to the Direction of the Statutes, and the next day had his Name replaced by their Order, upon very good Reasons; which he in arrogant Terms calls a great Presumption, and says his Name *stands there in defiance of Authority*, tho' it will lye hard upon him to make out that his cutting it out after, even when the matter was before the Visitor, was not so.

The Seniority mentioning some Reasons in their Order for restoring Mr. Miller, he endeavours to answer them, rather than give any of his own for cutting him out: Their first Reason is, that they *do not agree with him in his Interpretation of the Statutes, as well in consideration of the Statutes themselves, as of the Usage of their own and other Colleges*

P. 48.

Colleges in the University in the like Case, which he endeavours to answer by saying, licebit dare operam Medicina, in the true literal grammatical Sense is to study Physick, in Order to profess and practise it, and proceed a graduate in that Faculty, whether they will, or can get Practise, or Money, to take those Degrees, or not.

Unives.

Stat. Cap.

12. 13. 18.

For this, he cites three Statutes, which only prescribe the Time, how long every one shall study Law or Physick, and what exercises he shall perform, before he can take his Degrees: From whence he frames an Argument, that if any one *dabit operam*, in, or shall study those Faculties; he must, *by the true literal grammatical Sense of those Words*, practise or proceed Graduate therein. The Words of the Statute, which he first cites, are *qui a primo ad Academiam adventu legibus operam dabit quinquennium totum juris Professore audiat. Respondebit semel Professori aut alicui Doctori ejusdem facultatis antequam fiat Baccalaureus, qui fuerit ante Baccalaureus Artium quatuor Annorum studio poterit, juris esse Baccalaureus si Ordine prescripto responderit.* This is enough to satisfy any reasonable Man, that *fiat*, as in other Places, signifies only that he may be Batchelor if he will, if he is of standing, or can, or will, perform the Exercises. For those are to be done *antequam fiat* before he can be made, which Word *antequam* (which is also in *Cap. xv. de studiosis Medicina*, he designedly left out. And what Penalty is there in those, or our Statutes, if they do not? Or when did the University, or our College before, ever offer to force any body to take their Degrees against their Will? Is it not common to take them at fifty or threescore Years old, as they have Preferment, or Money, or Will.

His

His other two instances in the 13th and 18th Chapter, are less to his purpose if possible, they are only *poterit cooptari, poterit fieri*, if or after he has done his Exercises, and is of standing; which was never an imperative, nor can it be construed, that he must or shall be Doctor; for every thing in these Statutes are spoke only of such, as are Candidates and sue for such Degrees.

The second Reason which he frames for the Seniority, why they disagreed with him in the Interpretation of those Statutes, is, That they did not construe *Professor Medicinæ* in that Place, to mean a Doctor of Physick, in which they were most certainly in the Right: Notwithstanding he says it does, *and that 'tis the known Acceptation in all Universities; and that Professor of any Faculty always means in the University Style, a Graduate of the highest Degree in that Faculty.*

P. 32.

He did boast they had not in the Petition, *accused him of insufficiency*; but he has in the two last instances, given sufficient occasion for it, and if he was to be try'd, (it would go hard with him) by any Jury of Doctors in any University: For except in one faculty, that of Divinity, Professor and Doctor are never used reciprocally; and that for a particular Reason, in that Case, because the Form of Admission of a Doctor of Divinity, is, *ad profitendam sacram Scripturam*; but the Word *profitendam*, is never used in the Admission of other Doctors, by which Name only they are call'd: And to go no farther than the three Statutes cited by himself, which any one will allow to be fair play: They are called so there no less than six Times, when the Word Professor is also three Times used, and not in the same Sense: I believe one may safely say, there

are above a hundred such Instances in the University and College Statutes: I am credibly inform'd, that by the University Statute, if any one that is Professor of any Faculty, be not a Doctor, that he must provide one that is so, to admit those of that Faculty; which plainly shews, the different Acceptation of the two Words, Professor and Doctor. Nay in every common Dictionary, the Words *Professor* and *Profiteor* in all their Moods, Tenses, Participles, and Cases signify to profess, or is spoke of one that professes, or is of any Profession: And always in the University, those that are upon the Physick, or Law Line, are said to profess those Faculties; of whatever Degree they are; and those never are Doctors, for when they are so, they can't be said to be of the Line; because then they are taken off, as being by Statute freed from all exercise. In *the University Style*, as he mentions, or in common Language, how ridiculous would it be, to say, the Arabick Doctor, Hebrew Doctor, Greek Doctor, Casuist Doctor, Mathematick Doctor, Astronomy Doctor, Chymick Doctor, Anatomy Doctor, and yet all are, and are called Professors, and by that Name only? Can there be any question of this, or that he is not *literally and grammatically Forsworn*, in making this antigrammatical Interpretation, in the very particular, where he vilely upon the same occasion pretends his Oath? If the matter would bear it, according to his own Words, he ought not as he does, to guess at, much less, to wrest the Meaning and Sense of the Statute beyond the Grammar Sense, upon any Surmises whatever.

What he cites out of the old Statutes, is plainly an Argument against him; he says, by *K. Edward's Statutes*, two of each Profession were excepted: And by *Philip's and Mary's Statute*,

'tis said, there are two Doctors of Physick, and one of Law, and Provision is made for them; 'tis plain there was a design'd Alteration, because there can't be so many now; and if Provision was made for those that were allow'd or enjoin'd by the old Statutes, to be Doctors of Law or Physick; is there not the same Reason, there shou'd be by the new? But since there is none, is it not an Argument, that the new Statutes never design'd to oblige them to proceed to those Degrees? Is a Dr. of Law or Physick, once mention'd throughout the whole Statutes? Is not the Increase of the Livery and Stipends for Batchelors and Doctors of Divinity only? For my Part, neither I, or scarce any of the College, ever saw the old Statutes: But I know he used it as an Argument, that Mr. *Miller* ought to be Doctor of Physick, because those in his Place were so enjoin'd by the old Statutes; tho' 'tis a greater Argument that he ought not. For when the new Statutes were made, it might be thought inconvenient, or improper, and for that Reason they did not enjoin it. Besides, there is another Argument which, with the Master wou'd have been Demonstration, if he had been on my side of the Question; he wou'd have said, do you think the new Statutes, wou'd have been so absurd, as to enjoin two Fellows, as soon they were seven Years Master of Arts, to be Doctors, when by that means, they would have had Precedence in the University of the *Master*, as it might happen? *Who wou'd be induced to Reverence him, whom they wou'd see thrust down, ad ima Subsellia*, by his own Fellows? Because, by the same Statutes, he is not enjoin'd to be above the Degree of Batchelor of Divinity. This Precedence, wou'd have been reckon'd, one of the *majora crimina*, these last ten Years: And if ever Mr. *Miller* comes to be

Serjeant at Law, so as to have Precedence of him in Publick, he would have as good Reason to expel him.

As for his three Instances of other Colleges, two of them are nothing to the Purpose, and the third is directly against him, when rightly put. The Statutes of *Queen's College*, expressly enjoyn, they shall take their Degrees: Those of *St. John's*, give Liberty to the Master, and major part of the Seniors, to indulge them; Which puts 'em both out of the Case: And the only Instance to the Purpose, is that of *King's*; where, as I hear, the Statutes are much the same as ours, where they are never compell'd to take their Degrees; neither was it ever offer'd at there, nor in our College, since the Foundation, till this particular Time: And it has been plainly shew'd, what the particular Occasion was: 'Tis by Accident that those two in *King's College* are Doctors; there are others there of longer standing, neither in Orders, or Doctors; neither is there above one other Doctor of Physick, that is Fellow of a College, in the whole University; and he of that which is call'd the Physick College: And except of the College for Civil Law, there is not above two Doctors of that Faculty, unless in Orders. How their particular Statutes are, in most Colleges, I have not had leisure to examine, but by common Fame, they are against what the Letter Writer asserts: And 'tis presumed, if they had not, it would have been shewn by him, who it behoved to search into 'em rather than have cited those which were nothing to the Purpose, or against him.

Whether then, is the *strange Temerity and Sharpness in the Seniors, or in him?* They allege it is the Usage in other Colleges, in the like Case; he denies

denies it in Words, but confirms what they allege, in one Instance, of his own producing; and by producing none in the like Case to the contrary, tacitly acknowledges it in others.

As for the Usage in our College, where the Case hath been often the very same, and most to the purpose; he insolently slights that, and says, *he is not to regard it, 'tis not to him what has been done, but what ought to have been done*: Which I hope he will remember upon another occasion. But he thinks he excuses the Breach of this Usage, by telling my Lord very confidently, that *he has extinguish'd several other Customs, that can plead as long, or longer Usage than this*, not considering with how little Reason he has so done, as in some Measure has already been made appear. But to shew his own Integrity in this matter, in his usual manner, he makes use of a known falsity; that *he had frequently declared, whenever those two Places were fill'd by him, he would nominate none but what really design'd to be of the said Profession*; when if his Promise signifies any thing, it is notoriously known, that scarce one has left the College during all his Time for not going into Orders, to whom he has not promised one of these Places, if they could get one of the present Possessors to resign. But indeed it was before the 24th of December last, when his Eyes were first open'd: For a little before that Time, in October last, he was so blind, that tho' the Statutes say, *sint quatuor Sacellani Presbyteri*; yet he chose one for the fourth *Sacellanus*; and when he told him, what he knew before, that he design'd for Physick, and not for Orders; he said, that was no matter, he would dispense with his going into Orders, for seven Years: But this 'tis said, he was prevail'd upon to do, by his prime Minister, who knowing his Master's fickle Tem-

P. 37.

Ibid.

Coll. Stat.
Cap. 1.

P. 56. per of having a new Favourite almost every Year, was afraid this young Physician, if he was made Fellow, might step over his Head into the Physick Fellowship when vacant; therefore, he refused to make him Fellow, and thrust him down to be *Sacellanus*, tho' with the Privilege before mention'd. I do not say this, to convict the Master of the *least Corruption*, to the Value of a single Farthing, in disposing any Preferment; tho' it must be confess'd, the Master has chose some Fellows, without any Examination, for they were then absent, and had been for several Years before: And what Examination he has used of late Years, has not been in Publick, as it used to be, that his *Ability, and Integrity*, might be more visible, but in his private *Apartment*.

P. 39. But farther, he says, the Physick Fellow, not practising Physick, or taking his Doctor's Degree, is a *Loss and Damage to the College*; for what shall they do in Sicknes, or in the Time of the Plague, which has several Times been at Cambridge, since the very last Statutes were given us, and at this Time rages in some Part of Europe, and threatens the rest: A notable Piece of History; and no doubt out of this Prospect, and for no other Reason, he was resolved to have a practising Physician in the Physick Fellowship. What stuff, and grammatical Interpretation is this? When at the same Time, the Person he chose, has neither Degrees, nor Licence to qualify him for Practice, notwithstanding his boasted Cures, and would have been nevertheless, as good a Physician, and with the same Advantage, if he had not had this Fellowship, till five or six Years hence. Neither is it true in fact, that they can force this Physician to stay amongst them on pain of Expulsion in Time of

of the Plague; for in such times the Statutes give him a Liberty to go into the Country, besides his other sixty statutable Days of Absence, common to other Fellows.

P. 38.

But the first time I ever heard him admire any body's Wisdom but his own, much less Goodness, he now admires both in the Founder, to have a Physician and Lawyer among so many Divines; the one to preserve their Health, and the other their Estate. And the Founder, he supposes, must certainly intend that these two should, on Pain of Expulsion, practise and take their Doctor's Degree in each Faculty, whether they will or no; tho' the other fifty eight Divines are not obliged to take any Degrees, or so much as to read the ordinary Prayers in Chapel; for there are besides, four *Sacellani* provided to do that. What the Founder or the Statutes mean, otherwise than by their Words, and their Grammar Sense, he cannot or ought not to know. For ought I know, they might intend to have different Studies in the College, that it may something resemble an University, for universal Learning. But sure he can never *admire the Founder's Wisdom*, for intending to provide us a Civil and not a Common Lawyer, to advise in matters relating to our Estate; neither can any body think he answers this Objection, because the University Statutes advise Doctors of Civil Law to study the Common Law, after they have taken that Degree. The University Statutes were made many Years after our Foundation, and ten Years after our last and only Statutes in Force; and so can say nothing to the Purpose, as to the Will of the Founder. And if they had been Prior to, and the Civilians had been so obliged from, the Foundation; yet the College might have been cheated of all their Estates, before this Civilian could have assisted

P. 37.

them; for he must have been admitted fourteen Years before he could have been Doctor; and after that, if he wou'd study the Common Law, and attend among the Students at *Westminster Hall*, to take Notes for seven Years more, and then take his Barrister's Degree, he might in some measure be qualify'd to advise the College in relation to their Estate. But *plying in Westminster Hall*, as he calls it, or *travelling the Circuit*, are two very mean things in his Opinion; tho' much his Betters have done, and yet do it, and probably will continue it, any thing he has said to the contrary in any wise notwithstanding.

What a Sham is it for him to say *there are now particularly in the College several that design the Profession of Physick*? If there were, but one of them can have this Fellowship; and it would be as much Advantage for either of them, to have it several Years hence as now. And what if his Fact be true, how weak is his Argument? Must one Man's Fellowship be taken away, because it would be an Advantage to others to have it? Would it not be an Advantage to others to have his Library-Keeper's Place, Archdeaconry or Mastership? May it not be truly said that there are honest and better Men, and more fit to govern, that deserve 'em? And 'tis hoped one will have the latter in a short time.

Neither is Mr. *Miller's being on the Physick Line* such an Abuse as he would have it; he does, and always did, perform what the University do or can by the Statutes literally require of him; and for any thing that has appear'd to the contrary this last ten Years, can perform his Duty as well as the Doctor has done. How many times has he preach'd in St. *Mary's*, in College, or at his Rectory? Ought he not to preach four times a Year in College? has he done it so often in ten? Or

once

once or above at his Rectory? How often has he read Prayers in Chapel, tho' an Act of Parliament commands him to do it once a quarter? If the World therefore were to judge by Practice, Mr. Miller is as good a Physician as he is a Divine, notwithstanding his Title of Doctor.

After this he weakly endeavours in seven Pages to palliate this pretended Expulsion, upon account of its being without the Consent of the Seniority. He is forced here again to fly from his grammatical Interpretation, and boldly say that it is so *precarious to affirm that their Consent is necessary*, that none would do it that can *penetrate the Design of the Statutes*; this is like going from the Letter to the Spirit of a Treaty. But how sagacious a Penetrator of Statutes he is, will immediately appear.

P. 40.

He says, *In those two Statutes, on which alone Mr. Miller was expelled*, there is not one Syllable of the Consent of the Seniors, and therefore he *presumes the Master alone can exert the Statute against him*; tho' it is not in either of those, or

P. 41.

any other Statute mentioned, that the Physick, or Law-Fellows are at all to be expell'd by any body for this matter of not taking their Degrees:

Coll. Stat.
Cap. 19.

When 'tis mention'd that others are to be expell'd for not taking Orders, these two are only excepted. But he gives about thirteen Instances, in other Cases, where Persons are to be expell'd, or lose their Fellowships, *where the Consent of the Seniors is never required or mention'd*; neither, as he says, *were they ever call'd together on such an Account*. What mean Prevarication is this? Is it

P. 44, 45.

in one of those, or any other Instances express'd that the Master alone shall expel them? Or is it at all mention'd, who shall do it? Or is there any other Statute that makes him either the sole Judge or Minister in all Cases, where the Statute

is silent? How dare he then assume such a Power? Is he the Father of the whole College? Or does he claim it *Jure Divino*? Is it not obvious to the common Understanding of any Man, that was not giddy by being rais'd so high above himself, that in such or any other Societies, he nor no Man can have any more Power than what is expressly given him by some Law? Is it so in our or any Nation abroad, where he pretends to be so much known and admir'd? Is there any Mayor, or Head of a Corporation, that dares assume any thing like this? Have not several of them been severely punish'd for but offering to do the hundredth Part of the Damage or Injury as he has done? Have not several of 'em suffer'd but for one Instance of taking away the Freedom of one of the Corporation, the Damage of which is a Trifle to the loss of a Fellowship? If he, as he confidently says, executes the express Command of the Statute, why does he not shew the Statute where that Command is? Or else, if he were prouder than he is, the Seniors Dissent can and ought to controul him.

P. 41.

Is it not also weak Reasoning for him to say, that because he nominates the Physick Fellow, that he alone is Judge when to turn him out? Whether are those that gave him his Preferments, or the Law and Statutes the Judges, for what and when he is to be turn'd out of them? If the former were, he would never have enjoy'd them so long; and tho' the latter are, 'tis presumed he can't enjoy them all much longer.

Do not the Statutes expressly mention those Cases, where he may act alone, without the concurrence of others? and how few are they? And, except the appointing the Law and Physick Fellows, how trivial? Is it probable that he that can only appoint a Day for the Election of Fellows, and that

that between the first of *September* and the first of *October*, and can nominate only, and not choose (however the Practice has been) his Servant to wait Coll. Stat. on him in his Chamber, his Footman and two cap. 37. Grooms; and not any other of the meanest College Servants, without the Concurrence of the Seniors; nor can he so much as correct them without the Bursars and Steward; shou'd he be presum'd to have any thing like the Power he pretends to claim? And are there not many other trivial things, which yet by express Statute he can't do alone? As if one omits doing his Exercise he is to be punish'd *12 d.* but if he suffers that often with cap. 28. no Effect, he is after to have a greater Punishment; but it must be by the Judgment of the Master, and eight Seniors, and not by him alone. There are more of the same nature, which will be particulariz'd hereafter; but this is enough to shew that the Statutes are on each side of this Presumption, contrary to what he pretends.

What he says, *that there seldom happens a Year, but some for not taking holy Orders are ejected out of the College, by this very Clause that ejects Mr. Miller.* This is next to miraculous, that some shou'd be almost every Year ejected *by this very Clause as Mr. Miller was*; and yet I dare say there is not one of the College that ever knew any such thing done before, since the Foundation; for 'tis plain, by his own Order, and his learned Defence of it, that Mr. Miller was ejected for not proceeding *Professor Medicinæ*, upon the Words *exceptis duobus Juris Civilis & Medicinæ Professoribus*, for which he does not offer at a Precedent in our own College. But perhaps this may be but a Blunder of his, and he might mean only, that there seldom happens a Year but some are ejected for not going into Orders; yet if he does, his Assertion is so ridiculously false, as if a
Man

Some Remarks upon

Man was resolv'd never to write Truth, tho' 'tis never so little against his Purpose. For it has happen'd that only about six in six and twenty Years have been ejected upon that Account; and during that time, and as long as any of the College remember, there never was occasion to call the Seniors together upon such an Account. For those that have not been in Orders at the statutable time, *exceptis præ-exceptis*, have always in their Memory quitted their Fellowships voluntarily, as the Statutes and their Oaths require; but if any had been so refractory as not to have done it, 'tis to be presumed the Seniors would have been call'd together; tho' perhaps the Master and they together, or none but the Founder or Visitor, could directly expell 'em; yet they might have order'd the College Bursar, and other Officers, not to let 'em have any more Profits from their Fellowships, and have put 'em to seek their Remedy: And to prove such a thing has been, and the Seniors have been call'd together to give their Consent upon such an occasion, contrary to what he affirms, and which probably he knew, in the like Case of an *Incapacity*; and in one of his own Instances, that of Marriage, I will present him with the following Conclusion,

P. 43.

September 24. 1641.

Coll. Conc.
Book.

It is agreed by the Master and Seniors, that Mr. Carter, Dr. Wakefield, and others, in regard that some of them are reported to be marryed, and the others look not after their Days nor Acts, shall receive no more Benefit of the College; and shall be out of their Places, unless they shew just Cause to the College to the contrary within three Months.

And for farther Satisfaction, I will present him with another, which I suppose he also knew before, in the very Case of not being in Orders,

March

March 4. 1666.

Agreed by the Master and Seniors, that the Fellowship of Mr. Palmer be voided immediately upon the Statute, he having acknowledg'd to them that he is not in holy Orders.

J. Pearson.

His only way to evade these, must be to deny *they were since the Foundation of the College*, which he may do as well as he has done some other things of the like nature.

He next endeavours to refute the *Notion*, and *kind of Tradition*, as he owns it, that the Consent of the Seniors is necessary in all Cases of Expulsion, and pretends to give Reasons why it should be necessary more in some Cases than others; as if the express Words of the Statutes were not to be the only Reasons in the Case. I am sure they may, notwithstanding any he gives to invalidate them.

P. 42.

He says those Crimes in the 38th Statute, where the Seniors Consent is required, are of a *moral Nature*, such as *receive Abatement or Aggravation*, such as *depend on the dubious Credit of Witnesses*, or *on the Intention of the Actor*, as *proceeding from either Malice or Passion, Design or Inadvertency*.

ibid.

This moral Divine wou'd have done well to have shewn what Crimes do not depend upon, or proceed from, one of those Circumstances, or to have shewn how they cou'd *receive Abatement or Aggravation*, so as to alter the Punishment. I will mention some of the Crimes in that Statute, *Læsa Majestas*, Fornication, Adultery, Rape, Incest; how can any of these receive Abatement or Aggravation, or *depend on the Intention of the Actor*, so as to make a doubt whether they require Expulsion by the Statute or not? Or so as to make it necessary to have the Assistance of others to judge,

- P. 42. judge, whether *they proceed from Malice or Passion, Design or Inadvertency?* For the statutable Punishment is the same in either Case. They may *depend on the dubious Credit of Witnesses*, as the other Cases may; and therefore the Reason of requiring the Assistance of the Seniors, holds the same in all. As to give his own Instances; may it not depend on the dubious Credit of *Witnesses*, whether a College Preacher has two Livings, or two Prebends, or a Living with a Prebend? and have not the Statutes, relating to the College Preachers, been differently interpreted by the Oracle himself? May it not also depend on the dubious Credit of *Witnesses*, whether a Man be College Preacher or not? Or whether he was chose by the Master and four Seniors? Especially as to what was done in this Master's Time, who sometimes enters the Consent of the Seniors, when none is given. Or does it not want more heads than one, to determine whether a Scholar has a Tutor or not, when the Master by his sole Power, has pretended to untutor One, who others think, nevertheless, remains a Tutor, and one of the best in the College? And how many Men in the University, can tell what is meant by *laying down their Regency?* And who would have believ'd, that a Master of a College, should want Assistance, to tell him what *Professor of Physick means?* And also what is meant by going to Law? For the same Man does not know, the meaning of the Word *Lis?* Should there not be proof of playing at Dice before Expulsion? Can the Bursars by any Reason but his, be expell'd for not paying their Debts to the College, before their Accounts be adjusted? And may there not be many difficulties in taking them? And in determining what Allowances ought to be made? And are not the Seniors to be present at the Audit, when
- P. 44.
- Ibid.
- P. 45.
- P. 49.
- P. 45.

when they are to be cast up? Is it not often difficult to prove, whether a Man be married or not? Is it not easier to prove Fornication, Incest or Adultery, or most of the Crimes in the 38th Statute? Yet these are his own Instances, which he says admit of no Doubt or Controversy, and therefore there is no reason why the Seniors should be consulted in these, tho' they must in other Cases. He simply calls them naked and simple Facts, tho' there is scarce any that may not be attended with many Circumstances, and such as we know by Experience are too intricate for his sole Wisdom to determine with Justice; and therefore the sole Power of Judicature, or the *Ministerial Part*, as he calls it, which is much the same in these Cases, being not expressly given to him, 'tis most reasonable he should not exercise it alone, or without the Consent of the Seniors. And this he may with more truth say, *was prudently order'd by the Founders, not only for fair dealing towards the Accused, but for Security of the Master himself*, lest he should betray himself to Passion or Folly. Besides, *what wise and honest Master would desire to be sole Judge in Cases of a doubtful Nature*; where he has eight others who are willing and are expressly by Statute appointed to assist him in the Conusance and Dijudication of all Causes? *Quoniam in omnibus Causis plane cognoscendis ritèq; dijudicandis prudenti Consilio opus est imprimis idcirco Statuimus & volumus, ut octo viri & gravitate & Prudentia præstantes, qui Magistro in Collegii causis tractandis decidendisq; subsidio sint, tanquam Consilarii adjungantur, hiq; vocentur Seniores.* How therefore can a Master who acts contrary, *withstand for ever the Envy, the Clamours of a large Society*, who either from a just Principle of Humane Nature, or self Interest, will and ought generally to side with the punish'd, when they see any body

P. 41.

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usurp

usurp upon their Properties and Privileges?

Nam tua res agitur paries cum proximus ardet.

P. 43.

And to this as he says, *the Interest of the Friends and Relations of the Parties* injured, which is enough to make a Prudent Man, in any Case never so little dubious, rather chuse to have the Assistance of others in such Determinations, when they may so conveniently be had; and would not a good Man rather chuse to stretch his Power to expel out of hatred to the greater Crimes, than in respect of the Persons, and for such incapacities as are no Crimes at all?

How full is the next Paragraph stuffed with Folly, Falsity, Scandal and Arrogance! Is it not folly for him to say, that if the Seniors Consent was *Established to be necessary in such Cases, the Master's Office wou'd be abolish'd*; as if his Office was to do, or he delighted in nothing but to expel in those few Cases? Would he have then nothing to do? wou'd it not be more, and a fitter Employment for him to debate in order to consent with, or dissent from the rest, than to run on headlong, without Consideration? And are there not more other Duties belong to his Office than he ever did, or without more Wisdom can perform as he ought? Is it not a mere Affectation of Folly for him to say,

P. 46.

that without this Power the Oath that he takes at his Admission, would oblige him to Impossibilities? Would not that be the same, unless he had the same Power in reference to the *majora crimina*? does he not on the contrary plainly break his Oath, by assuming a Power contrary to the Statutes? For what is his Oath in this point, but to keep the Statutes, and to govern and defend (without passion or respect of Persons) according to 'em? Can his or any body's Oath oblige them to do more than lies in their power? if the Seniors will not by their Consent permit him to do according to the Statutes,

tutes, there needs no great Casuist to tell him 'tis their Fault and not his.

What does he mean by citing *Edward's Statute*, as he calls it, again? He affirms, *It says to the Master belongs the Administration of the whole College and all the Parts of it.* If it did, can it mean any otherwise than according to the Statutes? besides, they not being now in force, because we have others given us since, where no such Power in the Master is mention'd? Is it not plain, that 'twas thought not convenient to continue so much Power in him? Which makes it probable some giddy headed Master had abused that Power, and caused it to be taken away.

P. 46.

Upon what Grounds can he affirm, that the Statutes of every College in *England* either declare or suppose a sole Administration in the Master? ours do not declare so, and 'tis but a poor shift to fly to supposing; for what does the Law say? has the Head of any such Eleemosynary Society any Power given him by Law as such? Is he a common Law Officer? or is not his Power as Eleemosynary as his Revenues? Can he have any more of one than the other, unless by the Express Statutes or Conditions of the Foundation?

Ibid.

The only Instance wherein the Law takes notice of such Societies, is particularly, that they shall not be Lawless and Arbitrary; and for that reason provides them a Visitor, when there is none from the Founder. There is power belonging to a Sheriff, Conservator of the Peace or Constable, as incident to their Offices, but none to a Mayor of a Corporation, more than is expressly given; much less to a Master of a College, for the Law takes more notice of the first, as being for the Improvement of Trade, and the Administration of Publick Justice; but the latter is only a Private Society.

Where then is his sole Administration or Executive Power, if the Statutes have not given it him? How ridiculous is it for him to assume, when he ought rather to renounce this Power by Virtue of his Oath? With what Countenance can he pretend to be so tender of his Oath, who has broke it in many Instances every year he has been Master? Not to mention small ones, as his neglect of visiting the College Lands, of the Examinations and the Oaths at Elections. - Is it not notorious his abusing and playing with many of the College Statutes, and putting them in Execution according to Passion and Interest? Has he been governed by the Seniors in the Interpretation of them, tho' 'tis plain Statute he should; there are no less than three Prevarications in citing the Statutes in this Page as well in the *Latin* as the *English*, but such things happen too frequently to deserve always particular Notice.

P. 46.

Ibid.

But how scandalous are his following Suppositions, that if the Senior Fellows have a right of dissenting, *any four of them in a Conspiracy at that rate may have Wives themselves, and let others have too* (he has some reason to mention that) *they may by sharing with an ill Bursar protect him when he embezzles the College Revenue, may make the whole Society Laymen instead of Divines, (if more of them were 'twould be never the worse for the Publick) may take the College Leases to themselves upon their own Terms; may turn a Nursery of Learning into a Gaming House for Cards and Dice, may supplant and pervert the whole Design of the Institution.* What weak reasoning, as well as entire Scandal is this? may it not be more rationally supposed, that if one had this Power alone he would be more apt to do such things, than that Four or Five should conspire to do it? Nay

in Fact this Man is guilty of three of his own Supposals.

Is it not as scurrilous and scandalous for him to insinuate, that the dissent of the Majority prevents the Punishment of *Drunkenness, Lewdness, Swearing Profaneness, and such like Crimes?* for when did he propose to punish one for any of those Crimes and they refused their Consent? Did he ever any more than threaten, when they refused to comply with his Demands? and if one or two of so large a Society have been now and then guilty of the first of those Crimes, did he not rather rejoice at it, as having an Advantage over them? Else his *List* of Compliers in some Cases would not have been near so large as it has been.

P. 47.

Ibid.

Now for a spice of his Arrogance: *If*, says he, *in all things their Dissent should restrain the Master's Power, farewell all the Learning and Sobriety, and Reputation of Trinity College.* The Arrogance is very conspicuous, if it cou'd be supposed that his Prediction cou'd prove true; but that no body believes. Those who have long known *Trinity-College*, are the best Judges whether it had not more of those things when that Power was restrained, or rather never claim'd, than since the times of his Usurpation of it.

Ibid.

As I enter'd upon this Fact of cutting out *Mr. Miller* with reciting the Master's Oath, where he swears to act without passion or respect of Persons, and have shew'd such convincing Circumstances, that 'tis beyond contradiction, that he has broke it in that; so I will conclude this matter with another express Statute which he is also sworn to, and then *I fancy I might dismiss the Cause and submit it to his Lordship's Sentence*; the words are, *If there is any thing found doubtful in these Statutes, let it be always decided by the Judgment of the*

Ibid.

Col. Stat.
Cap. 46.

Master and major part of the eight Seniors, who are to be obeyed in all doubtful things, Si quid ambiguit in his Statutis reperiatur, id Judio Magistri & majoris partis octo Seniorum semper dirimatur, quorum decretis & placitis ceteros omnes in omnibus dubiis obtemperare volumus. Now if the matters before mentioned, after what has been said, do not appear doubtful, I may be bold to say, 'tis because they are very plain against him. I had almost forgot another Order of his entering :

May 1. 1701.

Agreed by the Master and Seniors, that Mr. Miller Fellow of this College, be our College Counsellor.

Yet this was at a time when Mr. Miller was as liable to Expulsion by the 12th and 19th Statutes as he ever was since.

P. 47. But he now craves his Lordship's leave, as he had need, for the Impertinence to add two Orders that were served upon him soon after he had declared Mr. Miller's Fellowship void, which has been observed was in point of time after the Subscription to lay the Master's Proceedings before proper Judges. These were not only *unparalleld Presumptions to summon a Master to attend at a Vice-Master's Chamber, cross the Court from his own Apartment* ; tho' if they had offered to meet there without his Calling, or upon such an Account, no doubt he would have shut the Doors upon 'em : But the Fact was yet more sawcy, to summon him at a time when they knew he was indisposed by a great Cold ; which they neither knew nor yet believe, for his Ancestors never weakned their or his Constitution by feeding on Soups and Ragouffs. 'Tis true he does sometimes pretend a Cold to please the College, by putting 'em in mind that he is mortal ; but if he had one then, or desired another Opportunity (which by Statute must have been

Ibid.

Ibid.

been within three days) or that they would come to him; why did he not send to them, and tell them so, as 'twas his Business and Duty to do? 'Twas easy to perceive this Summons was to do him natural Justice, though he did it not to others; and because they would not make an Order upon him, tho' he expelled others without a hearing.

But what is worse than the unparallel'd Presumptions in these Orders, is the want of Elegancy of Style; and the serving such upon a polite Man, is enough to make him Chagrin, if not downright sick. He has recited the Orders for me only with a designed omission of *the* in the first, before the Buttery-board.

A Remarker is bound in some measure to follow his Author, tho' in his Folly never so trivial; not as a Commendation of those Orders, but as an Argument against him. I will refer them for Sense and even Elegancy of Style, (if 'tis not ridiculous to mention that upon such an occasion) to be compared only with his *own* Orders, which he has cited in this Letter, (it being not worth while to cite many others of his that are worse, out of the Conclusion Book) and if any Reader does not prefer those he criticizes upon to them, I will be content *he* shall be reckoned *the best Order Maker and honestest Register, of any Master in the University; and I will be expell'd for wasting the College Goods, and violating the Statutes.*

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His first fault in one of 'em is, that 'tis *a crabby piece of English*, upon account that it wants Pointing and Commas, and of the words *yesterday's ordering*, when 'tis plain by the Order 'tis yesterday ordering, tho' he has used *Divinity's Standing*; and for its want of *Pointing and Commas*, that Mr. Miller's Clerk is to answer in his design'd Treatise. I am afraid the *Letter Writer* will ap-

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P. 43.

pear at last but an indifferent Critick, for great part of a Critick's Business is to find out the Construction of Sentences, tho' they are false *pointed*; which is much harder to do, than when they are not pointed at all, at which no common Solicitor wou'd be puzzled.

P. 49.

But the great want of Sense is the using the word *Master* three times over, when in one or two of those places he says *his* would have done as well. But suppose that word would have made it doubtful to which Antecedent it should be referred, as 'tis plain by the Order it wou'd; had not therefore Mr. *Miller* reason, and was he not necessitated to use and profane the Word *Master* so often? But suppose the Critick himself has used the same word as often in fewer Lines, and in more Instances where *his* would have done better, which is the greater Dunce? and whose Style is most Elegant?

April 11. 1700.

P. 18.

Ordered then by the Master and Seniors, That the Master's Lodge be repaired and finish'd, with new Cielings, Wainscot, Flooring, and other convenient Improvements, towards which Expence the Master will contribute, &c.

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And again in this *Letter*, to which I confine my self, says he, I found the *Master* possess'd of a great Privilege, that no Senior cou'd give his Vote for any Candidate, unless he was first proposed and nominated by the *Master*.

But what follows is the Joy of his Soul, that the Order should say, *The Vice-Master and the rest of the seven Seniors, when there is always eight.* He must except this present and other times. And suppose the Order said there was but seven, in regard the Fellowship and Chamber of Mr. *Hawkins* a Lunatick, late one of the Seniors, was then

then by him declared void; he ought not to have said there were eight, or have objected that his own Declaration was void; though others might justly, and did think it but a Sham, that 'twas only done for him with the more Grace to promise it to two or three, as he did, to gain their Compliance. Or what if there were eight signed it? five would have been sufficient to have commanded another Man's Obedience to it, and those above that Number can never make it the worse: Yet if that Fellowship was not really void, and eight are required, there are eight at his service, ready to make some other Orders for his Obedience. Or what if *Reliquis septem Senioribus* was translated *the rest of the seven Seniors*? If it had been *Reliquis Senioribus*, he must agree that might have been *the rest of the Seniors*; and why may not *Reliquis septem Senioribus* be translated *the rest of the seven Seniors*, i. e. *the rest of the Seniors being seven*? It would not have pass'd a School-boy's, or a poor Understanding to have found that to be the Sense and Construction.

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As I confine my self to this Letter, I shall pass over the Sense he formerly put upon *δικαιω* and other words to be found in the *Greek Testament*, which he seems above regarding; neither shall I launch into an Ocean of his own Elegancies elsewhere; but within these Confines I present some to the view of the Reader. First, His elegant Usage of the Particle *And*, *And Sobriety and Learning*, *And scandalous and repeated Offence*. *Receded in whole and in part*. *The Fellowships were then as good, and the Mastership better than they at present*. *The present ninth and tenth Man, shall receive, &c. as soon as they shall be of the eight Seniors, tho' they be not Doctors, and each of the last six shall receive, &c. tho' they be not Batchelors*. *Let the Limbs be cut off for the Preservation of the*

Vid. B. d. gainst B.

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whole Body? *Were these two a Publick Mischief? Were their Offences justly punishable?* Those he makes the *only* Query, *Both by Statute, Equity and Precedent*; both all three, *Lit. Knowingeſt.* Of at the End of a Period. *Proportional*; These are sufficient to humble any modest Critick upon, or Pretender to, Elegancy of Style.

He takes it in great Dudgeon that there should be a *Lis, a Quarrel, forsooth, between Mr. Miller and the Master*, I suppose upon the difference of their Quality; but the Lawyers and Judges would have little Business, if there were to be no Suits between such, where there is not more Disparity than between *Mr. Miller* and him. He will be accounted more *Acute and Sagacious than ever* he was in his Life, if he could by his writing such *Papers adjourn this Quarrel sine Die*; for tho' *Mr. Miller, the Compiler of Mr. Worts's Will* cramp'd the Trustees by his Style, and, as he says, *the College under his Management was nonsuited at Cambridge Affixes*, yet no body doubts but he has fast hold of him, and let him escape if he can.

But let us examine this silly malice to *Mr. Miller* in these two Cases: As to *Mr Worts's Will*, his Gentleman of the *Temple* would tell him upon comparing the old Will, which I can't tell who compiled, and the new one, that *Mr. Miller* by the Alteration according to the Testator's Direction of expressing his Mind in a legal form, has given the University 3000 *l.* which they would otherwise in all probability have never had; for this 3000 *l.* was in Money, and *Mr. Worts* had given it by the old Will to a Relation for Life, and after her decease to the University. *Mr. Miller* gave it to five Masters of Colleges in Trust that they should pay that Relation the Interest of it during her Life, and after her decease they should apply it for

for the Benefit of the University, for such uses as the Testator directed. Now as the Gift of a Sum of Money to any one for Life, or for a Day, is the same as for ever; so consequently the Remainder to the University by the Old Will, would have been void both in Law, and Equity: whereas the Vesting it in Trust by the new one, will support the Charity. And tho' some of the Trustees being Aged, and not much acquainted with the nature of such things, are something backward in acting; and the rather because there is nothing given them for their Charges, and they may not know, that any Court will allow 'em what is reasonable upon that Account; and if a particular Sum had been given them, that perhaps might not have been sufficient, and then *the Style of the Compiler*, would that way *have cramped them more*: Yet till a better Council, than our *Order-maker, or Register*, finds fault with the Will as it is, Mr. Miller will not own any in it.

As to our College being nonsuited, 'tis false in fact; for that was an Action of Debt for Rent, that was brought against one Mr. Hacker; (that being the only Common-Law Suit that ever came near Tryal since the Dr. appointed Mr. Miller College Council.) It was upon a Lease for Years; but it hapned, that the College could not find any counterpart that the Tenant had signed, and 'tis believ'd, he never had sign'd any; which was more the Master's fault than Mr. Miller's: Whereupon we not being able legally to prove, that he took a Lease of the College, we did not proceed to Tryal: And so far was the College from being nonsuited, that the Tenant afterwards paid the College their whole Rent, and their Charges; insomuch, that the College was not a Shilling out of Pocket: These are but small

P. 40. Scandals with him; if he had any Integrity, he might have mention'd several Instances, where the College had profited to the Value of several hundreds of Pounds, by Mr. *Miller's* Advice in his Law Capacity; and 'tis hoped when he has cured their *diseased Head*, he will profit them much more in his *Physick*.

P. 50. After he has so honestly, and learnedly defended his taking away *Fellowships*, he comes next to that of, his taking away *Scholarships*; which he flights so much, that he seems not to remember whether he had taken any away or not: He says, *he has turn'd over the Register, and finds but one Instance of his expelling a Scholar*; but he will hear of many others he has expell'd, without so much as registering: But this Instance of his own, and which he silyly insinuates in Excuse, *was soon after he came*; tho' 'twas above a Year; is as much a Breach of Statute as any other can be, and as irregular in all its Circumstances.

The Crime he now mentions, is, *That he had been twice taken by the Proctor, with an infamous Woman*. How true the fact is, I know not; but if it be true, the College Statutes say, *nemo ad eas suspectas aut infames frequentet*; if he does, *hic a Magistro admonitus ni abstinuerit, Collegium eo modo quo supradictum est amittat*; that is, by consent of the Master, and major Part of the eight Seniors, which was just before mention'd, in the same Statute. But here was neither Summons, Proof, Consent of Seniors, or Admonishment: He could plead for the last in his own Case, where 'twas not due; but not give it to another were it was.

But what may not a Man do, that has not only a good Style of his own, but has follow'd the Style of his *great Predecessor Bishop Pearson*. Can any one be such a sawcy illeterate Block-head,

head, as to complain of the Illegality of an Expulsion, if the Order was writ in an Elegant Style? But if our Order-maker has set Bishop Pearson's in a true Light, (as I am inform'd he has not,) he has made him do the most simple thing he ever did since he was Christen'd; to make an Order to expel a Scholar, not only without Authority, but for no body knows what. There are a hundred foul and scandalous Offences, and some of them not within the Statute of Expulsion, for the first Time: As for Example, the very Crime for which our Follower of Style expell'd *H——n*; if upon an Appeal, the Visitor had ask'd the Master, for what he expell'd the Scholar, and he had told him, or shew'd him the Order, that it was for his foul and scandalous Offence: Could this be a sufficient or satisfactory Answer? If the greatest Officer in *England*, should imprison the meanest Subject, or the Mayor of a Corporation, should turn out but a Freeman, and should shew for Cause, that it was for a foul and scandalous Offence; would it not be hiss'd at, for not being more particular? I have heard of very Arbitrary Officers, and of some Mayors that could neither write nor read; but I never heard of any so silly, as to make no better a return, or Justification. No Body that either thinks of, or has any regard or respect for Law or Reason, would do it; yet from this wise Precedent, our Order-maker argues by Way of Climax, that Bishop Pearson expell'd a Scholar in this manner; and *there is the same Authority by Statute, over a Fellow as over a Scholar; and the same Crime is really greater, and calls for a severer Punishment in the former, than the latter*: Therefore he alone may expel a Fellow. If precedent was to be follow'd, and not Statute, his Successor need not scruple to punish or expel all
the

P. 37. the College at Pleasure, if he was so silly as to follow him. 'Tis not long since he was arguing, that tho' the *Pandoxator's Office* had continued above a hundred Years, and the Usage as to *sealing Money*, the *Choice of Chambers*, the *Augmentations*, and as to the *Physick Fellowship*, had continu'd an unknown number of Years; yet what was that to him, he was sworn, and would go according to Reason and Statute: And how absurd it is now to pretend to justify himself, by one single Precedent, directly against both? There were other things in Bishop *Pearson* worthy his Imitation; but he like a true Critick observes nothing but Faults.

P. 51. What he says of another Expulsion of a Scholar, Mr. T——n, except that *he is a Man of Merit*, is utterly false in every particular, which is to be discuss'd in another Place. He says it was done, *within two Months after he was Master, during which he had not resided*; when he had been then Master two Years, during which Time, or much the greatest Part of it, Mr. T—— had resided. Ibid. *His Tutor* neither brought his Name as one that had quitted, nor cut him out, neither did the Seniors concur in it: His Tutor was not in College at the Time, but as soon as he came about eight Weeks after, he represented the thing to the Master, who refused to restore him; tho' he says, he *never heard of this Error, till eight Years after the Fact*. 'Tis a wonder he will own one Error; but I think there is not above one or two Paragraphs, even in this whole Letter, where there are so many flaming Falsities, as in this.

But as for his sending for the Tutors, about cutting out some Scholars who had quitted the thoughts of returning; it puts me in Mind of a late Instance, in this particular, of his Method of doing

doing Justice; 'twas not by throwing of Dice, but there being three Tutors whom he had sent for upon that account, and every one desirous to keep in their own Pupils, he told them, that if two of the three, would agree upon any Man to be cut out, he would do it: And by this Method, he cut out about six, most of them contrary to the Consent of the Tutor; I am sure, without any Summons to, or Resignation from the Scholars; or consent of the Seniors. I will not say, but other Masters, before the Time of Election, have sent for Tutors to inform 'em, which of their Pupils had quitted the Thoughts of returning to College; and according to their Information, many have been cut out, but upon any mistake they were constantly restored *Nemine Contradicente*; most in College, remember some thus restored; and there are several Instances of it in the Conclusion Book, I will trouble the Reader with but one.

August 12. 1625.

At this Meeting 'twas concluded, that Mr. Collins, who had upon a wrong Ground, and Information, been put out of his Scholarship the Election before; should enjoy the full Profits of it, in as ample a manner, as if he had continued still in his Place until Michaelmas following if he staid so long.

Thus his Defence of cutting out Scholars, is no better than that of Fellows: And I believe, he has expell'd more by his own Authority, than all former Masters together, even with the Consent of the Seniors; tho' it cannot be deny'd, but one such Instance as he has given, is in Law, enough to expel the best Master that ever was.

Next, his inflicting several unstatutable, and before his Time, unheard of Punishments, upon several of the Fellows, calls also for his Defence;
and

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Cap. 38.

and to satisfy his Sense of the Words, if there was occasion, there can be prov'd, more than one unstatutable Punishment upon the same Fellow. Neither do I care, *what can be said to me, for thinking and reasoning so shrewdly*; and saying also, that every Punishment is unstatutable, that is not expressly mention'd in the Statutes, if it be not set by the Master and eight Seniors. This is too plain to be deny'd, by any body, but the Letter Writer: *Minorum autem criminum pœna de qua in Statutis nulla fit mentio Judicio Magistri aut ejus vicarii Et octo Seniorum semper relinquatur.* This drives him to his known Shift of Falsifying the Statutes: But I am glad there are many Copies of them, and I wish there had been more than one of the Conclusion Books, that the suspicious Alterations and Additions in those Places only that seem a little to favour him, might be fixed upon him more plainly, than by the Freshness of the Ink.

P. 52.

But in this very Case of Punishments, says he, *how often do the Statutes, without naming them, leave 'em to Discretion. Nothing more commonly occurs there than Arbitrio Magistri, Arbitrio Senioris Decani, &c. Let them be punished at the Discretion of the Master, at the Discretion of the Senior Dean, &c.* If I had not before had Experience of his Confidence, I could never have thought one in the Office of Master of a College, and of an Arch-Deacon, in point of so much Consequence as the enlarging his own Power, could offer to impose so vilely upon a Reader, much less upon the Bishop of *Ely* his Visitor and Judge, to whom, and for whose Information, the Letter is pretended to have been writ. Was it fair Dealing with him, not to refer to those Statutes he would have to countenance his Power? It will give his Lordship an inexcusable deal of Trouble in turning over

ver the Statutes, before he can find one such Instance; tho' he says *nothing more commonly occurs there*. For my part, I have turned them all over, and am so dull sighted as not to find one such, tho' many to the contrary. What he fumbles at I guess to be in the Statute *de Modestia, &c.* which prescribes, That all Inferiors should behave themselves submissively and reverently to their Superiors; *quod si qui in hac re peccasse convincantur*, (which shews it must be proved upon them, which he never attempted to do) then *pro Arbitrio Magistri & Senioris Decani castigentur*, or in his Absence by the Vice-Master and Senior Dean, which is directly against his sole Power. Nothing more commonly occurs than Instances against him, three or four Lines after, in the same Statute, *If any Batchellor, that has not been so full two Years, or any Scholar, be found to have gone alone into the Town, he is to be punish'd for the first Offence a Weeks Commons, for the second two Weeks, for the third a Month, and for the fourth, by the Consent of the Master, and the major part of the eight Seniors, Collegio amoveatur*. Since this is not a Crime of a moral Nature, or that can be attended with the Circumstances he before mention'd; but if any, is a naked and simple Fact, yet the Statute thinks fit to require the Consent of the Seniors, to the Punishment of it. So in the same Statute, the Authors *Seditionis Domesticæ, Detractionis, Dissensionis, aut Rixæ*, which are the worst Crimes he cou'd pretend to object against these Fellows, are to be punished the first time a Months Commons, the second three Months, the third *Collegio (ut diximus) expellantur*. The same Statute says, *The Master, and all within the College, are to cherish Peace and Charity one towards another; and to avoid Scurrilities and Scandals in Word or Deed; and if any offend in this he is to be punished, Arbitrio Magistri*

Coll. Stat.
Cap. 20.

Ibid.

P. 42.

P. 45.

stri & majoris partis octo Seniorum. I hope if the Master should by chance offend this Statute, the major part of the eight Seniors may punish him. So by another Statute, the Vice-Master is to keep all Orders, especially all Officers in their Duty, else he is to carry their Names to the Master, who is to punish them *suo & majoris partis octo Seniorum Arbitratu.* In another Statute, if the statutable Punishment is not sufficient to oblige any one to perform their Exercise, *tum judicio Magistri & octo Seniorum puniatur gravius.* Yet in this very Case of Punishment, he modestly says, *nothing more commonly occurs than Arbitrio Magistri.* What follows is much of the same Piece.

This, says he, has introduced into common use several Punishments not once mention'd in the Statutes, such as covering a Name in the Buttery Table, which he supposes they mean in the Petition, and he executed upon two of the Fellows. He might have as well supposed they meant putting out of Commons, rustivating, untutoring, &c. tho' I believe the oldest Man in the College can't give an Instance of either of these Punishments, ever pretended to be inflicted by a Master on a Fellow, before his time. I have heard it said, that a Tutor has cover'd a Pupil's Name, and put him out of Sizing and Commons, as he has seen occasion; and that upon very good Reason, because the Tutors are lyable to pay the College what Debts their Pupils contract on that account; therefore they are Judges how far they think fit to trust them. So they may impose what Exercises they please upon them, for they are committed to their Care, on purpose to be instructed or commanded by 'em in such things; but that a Master or Vice-Master (whose Power, in the Absence of the former, is the same, except as to the Seal, and some dissent upon Elections) ever did any such thing

to a Fellow, *our Register*, I believe, can produce no *Entry*; neither can I find any *Tradition*. Tho' if such things were never so usual, yet 'tis plain, by many Instances in the Statutes before cited, by what Authority it ought to be done.

His next Evasion is by saying *It* (speaking of the covering of Names only, and sinking the other Punishments) *was no Punishment at all, their Allowances being secured to them by the very Order*. If the Register means an Order in writing; I know none there was, much less can I what was in his Mind. But Commons were lost, and Order was given by him that the Cook should not trust, nor, I think, sell for ready Money. However he acknowledges this covering of Names *was a Reprehension, a Disgrace, a Denouncing an Accusation*, or no body knows what, *from him*, which they were to clear themselves from. But why not he to prove it upon them? Can they prove a Negative? The only sensible Term he gives it is *Disgrace*; and what Authority has he, without Proof, Reason, or Statute, to put a Disgrace tho' upon the meanest Persons in the College? When at the same time one of these was a Man better read in Divinity than himself, and upon whom he could draw no Statute, neither his *rusty Sword*, nor *his Club*. And 'tis no matter whether he did this only for talking against his Proceedings, which he reckons a high Crime, or for what other Reason, since it was not according to Statute. For by another Statute which I cited upon another occasion, the Master alone cannot *correct* the meanest Servant in the College, not his Footman or Grooms of his own nominating. For the Statute concerning College Servants, mentioning the Manciple, Butlers, Cooks, Scullions, Porter, Laundresses, Grooms, &c. says they are to obey the Master, or in his Absence, the Vice-Master, Bur-

fars

Some Remarks upon

fars and Steward; and if they commit any Fault *istorum Arbitrio corrigi*. What Colour therefore is there, without exprefs Statute, that he alone thou'd punish a Fellow?

But I am unwilling to leave this Point without giving him one Instance of covering of Names, which I have found by chance.

June the 14th. 1664.

Ordered by the Master and Seniors that the Names of Ds Mason and Turner be cover'd, so that if they come not to the College, and give Satisfaction for their Misdemeanours within fifteen Days, they are then to be cut out.

This was not done to Fellows, nor by the Master alone, nor for any thing like what he objected; but was a very proper, if not the only Method, to make 'em appear and answer for Misdemeanours.

P. 53. The next Paragraph is all Falshood and Arrogance, *gratis dictum*; and giving the Assertions a contrary turn, if it was worth while, wou'd make a true Answer.

P. 54. He thinks he clearly wipes off all the Guilt of the last Punishment, by saying *it was submitted to by both the Persons, and that Pardon for their Faults was ask'd by them, and their Thanks was given to him, and publickly profess'd in College, for the Seasonableness and Clemency of his Proceeding against them*. Now if all this were true, as I don't believe, nor can hear, that one tittle of it is; except their submitting so far as not to come into the Hall, and asking his Pardon, if they had offended; what does this do, but fix so many Precedents of his Usurpation upon the College, so much the stronger, by forcing the Persons to submit to 'em? And in truth he had conquer'd the College to that degree, that most of them having
nothing

nothing in the World but their Fellowships to maintain them; they durst not venture tho' their Will was good, to contend with the Master; and whenever Children after Correction are made to kiss the Rod in this manner, every body knows it is for fear of greater Punishment.

Next comes a very curious Instance of a Fallacy he uses. The Petition says, *By using violent and unworthy Methods he has prevailed with some few to espouse his separate Interest.* Here he puts his own meaning on the Petitioner's Words, and then argues from them; *They mean no doubt,* says he, *by some few, those that refus'd their Concurrence to this Accusation; for the Subscribers are twenty seven, and the Refusers thirty seven.* This has been answer'd before. But who did or could the Petitioners mean, but only the five, at most, that subscrib'd for him? And that not in Terms contrary to the *Petition*, but only that they aproved the new Method of a Dividend, and in general, an honourable Composition for the Master's other Profits. What Success he had in attempting another Subscription, has been mention'd also before; yet he did use *violent and unworthy Methods* to prevail with these; for one by his own Authority not long before he had put out of Commons, and forced to submit for not paying a Workman's Bill for the Lodge, when the Sum was three times more than he could justify by Statute: What durst he after that refuse to do? And it was *unworthy* to ask the rest, because they were all Tutors whom he had obliged with Pupils, and who expected more from him; besides three of the five were to gain by the new Method to which they subscribed.

By his Glaver of calling the Non-subscribers *a shining Example*, I perceive he still thinks it material to gain or prevent new Subscriptions: But

I

who

who can believe his Banter that their Improvement should be any Satisfaction to him unless for Ostentation? Or that he could think it loss of time, and Studies, or Drudgery in receiving, for about ten Years together, 6 or 700 *l.* from the College? When if he has lost his Time or Studies, or taken any Drudgery, or fought with the Fellows, whom he scurrilously calls *Beasts of Ephesus*, 'tis manifest that it has been upon no other account than to make an Addition to the Mammon of Unrighteousness.

P. 54.

Now he has recourse to his old poor shift of publishing Scraps of Letters; 'twould have satisfied some Peoples Curiosity if he had publish'd the whole of Dr. H——n's, that we might have seen whether he did not mention some former Miscarriages; for that Doctor is an honest Man, and for about four Years together, *not when he was absent from the College the whole time when they were transacted*, did set down in Writing Dr. Bentley's arbitrary and selfish Practices; foreseeing they might one Time or other rise up in Judgment against him. And when he refused to make him College-Precacher, according to the Statute, unless he would use his Interest with the Seniority to allow him 300 *l.* for his Stair-Case; and he saw the College at that time so dispirited that they durst not stand by him, and that the Master was impracticable, he said many severe and true things of him; and among the rest *that he ought to be shot*, if it were not for the Wickedness and ill Example of such an Action, or to that effect.

What he says of the Nobleman's Chaplain, being threatned by Mr. Miller with the Revenge of the Seniority, if he did not subscribe; and Mr. Modd's being by some bestowed into it, by cursing and damning,

ning, is utterly false, as they both confess'd with their own Mouths very lately.

By this scrap of a Letter, and by the Certificate which soon follows, it appears that his pretended Reforms of the College are at their last gasp. At first, what with his false Citations of Statutes, Misrepresentations and Blusters, he did make a shew of some Good, to those who took his Assertions for Truth; tho' they were all but calling to his Reputation, which is no more than every Criminal does at his Tryal, which yet signifies nothing against positive Evidence.

But now he dwindles to poorer Stuff; he says *It will not be deny'd that the Number of Scholars in College, and of the Sons of the Gentry and Nobility, has very much increas'd since his coming.* If this were true, 'tis not worth the while to examine into the Occasions or Accidents of it. Yet if one may be allowed to judge from common Observation, and Recollection of one's self and others, for several Years last past, I may venture to say, that his Assertion, in that also, is false. Then why should he value himself, if 'twere true, *that he has elected above forty Fellows, and more than a hundred Scholars?* What is it more than to say there has been so many Vacancies during his time? Tho' 'twould have been better for him if there had not been so many, great Numbers of 'em being caused by his own Injustice; considering how many Scholars he cut out every Year, before the time allow'd 'em by Statute was expired. But this was one piece of his *OEconomy*.

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More of this nature is his valuing himself upon *no small Sign of his Ability and Integrity in Examinations*, which is, that in all these Elections he has not had *one Negative put upon him by Majority of Seniors*. I believe no Scholar ever yet taxed his Master with want of Ability or Integrity in

P. 56.

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examining him, and no body else can. For in his time he has examin'd privately in his Lodge, which before used to be done publickly in the Chapel; and some (as has been said) have been chosen Fellows by him without any Examination at all. But the not putting a Negative upon him he makes also an *Argument and Token of Peace*, which he now vouchsafes to mention with some regard; but 'tis plain 'twas a false one, which proceeded from a Diffidence in the Seniors of one another, more than from the Approbation of what he did. And this appears by his own Words, *For, says he, many of the Electors, in their Hearts, wished the Votes had gone another way, and by jarring with him about other Affairs in College, had a longing Mind to oppose him.* Here he unluckily discovers Truth against what he said before; but his Memory was very short to do it in the same Paragraph.

Ibid.

Ibid.

He would make us believe also that he voluntarily parted with a *great Privilege* which he could have kept; which he says *he found the Master possess'd of by Custom, that no Senior could give his Vote for any Candidate unless he was first proposed and nominated by the Master.* This is a Chimera of his own framing, without any Foundation. He says himself, *'tis not at all warranted by Statute*, and therefore it may be true, that he, being a new Comer, *unwarily and without any thought abandoned it at the very first Election*; tho' upon recollection he has offered to usurp it, or a negative Voice, which is much the same in many Elections since.

He owns all the Fellows and Scholars of his ten Years, to have had as much of his own Approbation as if he had chosen them himself (and he might have said the same of all the Officers) and tho' two of them are since expelled, and more among these Subscribers

Dr. Bentley's Letter.

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scribers, yet he is willing and bold to say there has not been a Sequel of so many and so good Scholars at the times of their Election in any Society whatsoever, since the Universities were heard of. Now according to his way of arguing, I should admit what he says, to be true of all those that did and are ready to subscribe against him; but that the rest are all *recrement*. Tho' not to disparage the rest, any one may be bold to say, that the bold Doctor out of pure Vanity has positively affirmed, what not only disparages other Societies, but what he nor any Man living can know to be true.

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We are now at the bottom of his Dreggs; the poor Creature has printed a Certificate from the Proctor, that in two or three Months time he has not taken any of the young Scholars of Trinity College at a Publick House: The Proctor is a worthy Man, and I believe the Certificate might have been true also, if the Fellows had been inserted in it; but it would have been something more material, for the Master to have shew'd what wise Act of Discipline he had made in his ten Years to restrain them, or indeed whether he has done more or so much in those matters, and with as good a Design, as any of his Predecessors.

But this he perceives is flat, and it behoves him to awaken the Reader, who has not been entertained a great while with a touch of Criticism upon the *Petition*; but it seems he is hard put to it to find any; for now rather than not find fault with this *Incendiary Mr. Miller*, *this Galen in the Law*, he is angry with him for being in the right; and that is, for inserting *two Clauses*, without which, by his own Acknowledgement, *the whole Indictment would prove abortive*. Tho' he may remember that in the 40th Statute there are also the

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Words *de aliquo quovis consimili crimine notabili*, but by Virtue of this or either of the two Clauses, Mr. Miller owns (*not that he every where gives it out*) that 'tis his Opinion which he declares, when asked by proper Persons, *that the Doctor will certainly be expelled by the Visitor*, but not that he ever gave out or thought that *upon the Merits of that Ejection he should be in promising Hopes to represent the University*, not forgetting his acute Application of, *O Tempora! O Mores!* Mr. Miller is not so weak as to think the dividing of a great College which in former times were always unanimous is the way to gain Votes. For even a quarrel with this Master, will cause a Division, because there never was an instance of any Man in Authority, tho' never so bad, but always had some or other to side with him.

Ibid.

But what need he have made all this pother to evade or deny, when at last he is forced to plead guilty to one grand Article, the *Violation of the Statutes*; only he would insinuate as if these frequent Instances were *by Oversight or Mistake*; tho' he has all along pretended to defend them, and would commit them in spite of the *continual Remonstrances, and Claim of Right* from the Fellows. And what is more strange, he would endeavour even to move compassion, by saying, *'twould go hard indeed with a Master, if what in a Fellow is statutably attoned by the mulct of a Groat, or sometimes of a Penny, must in him be vindicated with Expulsion*. I know no such Punishments as he mentions, unless upon some for Omissions, as of Exercise, &c. but I believe no Body will pity him any more than he has done others, whatever happens to him. Neither is it contrary to reason to punish the Master for *violating the Statutes* in a higher degree than the Fellows; because he is more trusted, and by his Authority

thority and Power is most likely to make such audacious Attempts, (more *audacious than the Petition*) and thereby subvert the Will of the Founder. And considering how passive if not timorous Fellows of Colleges generally are, and how unwillingly they undertake an Accusation of their Master, it was wisely done of the Founder to appoint such a Punishment not only to deter him from acting contrary to the Statutes, but to make an Example of him whenever by chance the Fellows should pluck up a Spirit to accuse him; or the Visitor *ex officio* should think fit to interpose in it.

P. 53.

But he still makes some faint Endeavours to find out a loop-hole or evasion, and therefore he puts a new Sense upon the Expression *the Violation of the Statutes*; for he prophesies that Mr. Miller does not know what it is; and he may prophecy that no body knows of his Definition. He says, *Violation of Statutes is a meditated Rejection and Subversion of them, a disowning their Authority, a setting up another Rule of Government instead of them.* If he speaks in reference to all the Statutes, or at all times, without which he cannot be guilty; I believe in that sense there never was such a Monster as to be guilty; for the most wicked Men often make use of the Statutes for their own Purpose, and act according to 'em sometimes, that the Breach of them may be the easier overlook'd or born at others: But if he speaks only in reference to many Statutes, at many times; his own definition will do him no Service; for he is undoubtedly guilty within it, as will be proved in proper time and place. But any *School-Boy* will tell him, that *violare Legem*, signifies no more, than to break or transgress a Law; the same as *ἄνομος*, for which if he will condescend, he may consult the Greek Testament. The Metaphor is taken from violating a Virgin, and I be-

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p. 58. lieve any Man will tell him that she is violated when she has committed an *Oversight*, or *Mistake* of that Nature, tho' she has not been guilty of a *meditated Rejection* or *Subversion*, or of *disowning* all Obligations to Chastity, and *setting up another Rule* according to her own Lust; nay when she has once suffered such a thing, tho' against her Will, as in a Rape, she is properly said to be violated: So upon the Doctor's being forced (poor weak Man) to take the *Sealing-Money* for ten Years together, against his Will, the Statutes may be properly said to be broke or *violated*.

Ibid.

p. 30.

But what if the Doctor has been guilty? he recriminates, and says, *they* (I don't know who) have been guilty of the *Violation of the Statutes*; and he mentions three or four Instances, every one of which has been answered already. But if they were, as he says, what Defence is that for him; he knows it is none, and therefore flies to another more extraordinary; and would insinuate as if he had broke all these Statutes in order to keep 'em: For he says, *in some Cases a Statute may and ought to be broken on purpose that it may be kept*. Now if he can bring all his Cases within this, his Sophistry may at last do him some good.

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p. 58. He produces one Instance of his own to prove there may be such a thing, *in an Order made July the 24th 1703* wherein *post cœnam* is construed to be *before Supper* or *after Evening Prayer*. 'Tis concerning the *Declamations*, which Order, and all his other, (except that wherein he appoints Mr. Miller College Council, which I own is unexceptionable) I desire may be critically compared for Sense and Elegancy of Style with those that he finds fault with.

He is here again an humble Imitator of the grand Juggler who never observes the Letter, but pretends to do the Spirit of a Treaty. He says the Founder's Mind was to have a full Audience at Declamations; and tho' he appointed 'em in words after Supper, yet the Doctor says, the Spirit of those Words and his Mind was to have 'em before, immediately after Evening Prayer, in their Surplices. But what likelihood is there of having a fuller Audience then, unless he will suppose more will be at Chapel in their Surplices, than at Supper? And does it not rather prevent People's coming to Chapel, and consequently to Declamations, because both together may seem too tedious? Besides some always absent themselves upon Account of the Indecency of hearing *Quintilian Declamations* in their Surplices; and the Statute I suppose, for the same decent reasons orders them to be omitted on grand Feasts. And if I was not afraid he would ridicule me, I would say the hearing of 'em immediately after Prayers is an improper time, upon account of diverting the Minds of the Audience too soon from their religious Exercises. But lest any Paragraph should pass without some Falsities and Scandal, he is resolved to have some in this, tho' in trifling matters. He says *by this Order there is a full Audience of the whole Society every Saturday in the year*; tho' there is, seldom above two Thirds, and there are some Saturdays in the year on which there are no Declamations at all. Since *that time*, he says, *the Noblemen and fellow Commoners have declaim'd in their course*. If he means ever since, it is false; for 'twas several years after the Date of his Order, before they did it in his time; and it was done in former Master's time, *tho'*, he says, *it was never done before*. As to his scandal of profaning the University Pulpit by Drunk-

Declamations.

P. 59.

Ibid.

Drunkenness, I cannot find who it was ; the Person, who it is said he means, had not drank any thing that day, but did come out of the Pulpit disorder'd, tho' not with Drink.

But the great Question about this Order is, whether it was not (like some others of his) made for Alteration sake ; or whether it was not that he might the better use his *force of reason* and *cogent Arguments*, to prevail with the Seniority to join with him in the Breach of such other Statutes as would serve his purpose, by telling them with some reason, as they had gone directly against one Statute, so they might against another ; for they were all old Statutes, and times were alter'd, and they must be broke in order to be kept.

Could not the Founder have as well order'd these Declamations to have been immediately after Evening Prayers, or before Supper, and not after, if that was his Mind ? Our Supper has continued at the same times ever since the Statutes ; so that the Inconvenience, if it were one, might then have been foreseen. Was it worth while to break a Statute on purpose because he is sworn to keep it, lest thirteen poor Scholars, and three or four other (who then go to supper) should be deprived of that, or the benefit of hearing one or two of the three Declamations ? Might they not rather be defer'd a Quarter of an Hour till they had supped ? and might not any other way as well have been found out, rather than such an indecent one, and directly contrary to the Statute ?

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For whatever Dr. Bentley *thinks of it*, even the Hours appointed by the Founder, are not so insignificant but they ought to be observed, not only as the Founder's Will, and the Master's Oath, but as an Incouragement for new Charities. For no doubt

doubt every one that designs to found a College, naturally pleases himself in appointing many things indifferent in themselves ; such as the times and hours for their Exercises and Devotion ; and he fancies at least they will profit more by keeping to such as he appoints, rather than any other. But if he takes notice that Statutes of former Colleges have not been observed, even in those small matters, he may be discourag'd in his design'd Charity; for very few take delight in making Statutes for a Master to break only in order to keep 'em.

Another grand Article of his Accusation, is the wasting the College Goods : The Answer he gives I will not attribute to Stupidity, but to a design'd Evasion ; and for such it is a very pleasant one. The Statute word is *Dilapidatio*, which one wou'd think he puts as extraordinary a Construction upon in this place, as he did upon *violatio* ; for his Answer is *Lateritium inveni marmoreum reliqui* : Which shews that he takes *dilapidatio bonorum* to be only pulling down the Stones or the Bricks ; if he does, there has been no Man since the Foundation more literally guilty than himself. And as for his *marmoreum reliqui*, I hope he will be as good as his word ; for he has told the Seniors, the Marble Chimney-Pieces in his Lodge (tho' bought with College Money) were his own, and he would carry them away.

But here he carefully enumerates his several Marble Operations. First, out of respect, *the Chapel*, which, he says, *from a decay'd antiquated Model, is made one of the noblest in England*. It was a very good one before, and the Model is near the same now ; and in this particular we do not tax him with applying the Money to his own Use, because he has so seldom used it, either in one Model or the other. But his true reason for doing this was, because he had promised the old Organist,

P. 60.

Chapel.

nist, one of his Club, whom he call'd *Father Smith*, that he should make the College an Organ, soon after he was Master. The old Man continually dunn'd him for his Promise, and at last told him he had near made it; the Price, I think, was about 1500 *l.* which made it almost necessary to beautify the Chapel for the reception of this costly Instrument; tho' very few private Persons in the College had any Money to give towards it, and he knew the College could spare none from the then present and designed Expences of the Lodge. So he forced many of the Members (by the Methods he used to make them comply with his other Demands) to subscribe towards these Expences; and sometimes applying his *Club*, and at others his *rusty Sword*, he brought it about that many subscribed greater Sums than they had or yet have in the whole World; and to induce 'em to it the more willingly he told them, if they could prevail with any Friend of theirs to give the Sum they subscribed, or part of it, they should be excused in Proportion, and that he told 'em was the meaning of the words, *cause to be paid*, which they subscribed to; tho' not long after he refused that Benefit to one who had very industriously and successfully gone many Miles to procure Benefactions: And this was the very Gentleman whom he said *Mr. Miller* threaten'd, who knows the first to be true, and not the latter. And I wish I knew whether the Master paid, or *caused to be paid*, the 200 *l.* with he subscribed. Thus the Chapel, tho' it is an Ornament to the College, University, and Nation, yet the Beautifyer is intitled to no Merit from the Intent of the Action, and much less from the means used in it, which were Fraud, Extortion, and Oppression, not without a Drame of Conveniency to himself; for (besides that it screen'd him a little from the Envy, upon account
of

of his Lodge) he took this Opportunity to place 1000 *l.* of his own Money safe at Interest in the College hands, for which they gave their Seal to his Trustee.

'Tis true the College Hall was white wash'd, and the old Wainscot brush'd over with Paint, as I remember against the Queen's coming, (whose Magnificent Reception, as he calls it, he assumes to himself) where She dined, and the Scholars Tables were made new; the Senior's Consent was far from being *forced* to this, yet the Master can't say it *excels in Cleanliness*. We have said enough of the *spacious Jail the Master's Apartment*. Hall.
P. 60.

His elegant Chymical Laboratory if it can be call'd so, was done with College Money, without the Consent of the Seniors ever ask'd; which makes the doing it criminal, and not praise worthy, tho' he forced them to agree to it afterwards. Laboratory.

To the Observatory he contributed little, besides his Commands for the Building of it, which was not done without taking away another Man's Chamber without his consent. As for the Instruments in it, most if not all of 'em were bought with Money misapply'd from the Library, which he before pretends to the Merit of bringing into the right Channel; tho' for *intervverting* it, he may take to himself more truly all the hard things he says upon that Subject of the Seniors. Observatory.

But he sums up all in his highest Merit the repairing of the Garrets; 'tis a Wonder he claims none for Gravelling the Walks, and Mowing the Grass-plats, or any the most common necessary Work belonging to the College. This is his pertinent Answer to the wasting of the College Goods; and since he goes no farther, I shall reserve The Garret.

serve all farther Accusation upon this Head till the proper Time and Place.

The necessary Consequence of wasting the College Goods is *lessening the Value of the Fellowships, and reducing many of the Fellows to great necessity*. In answer he says, he has raised the Publick Revenue. If he has it was but his Duty; but is that any Defence if the Money has not been rightly apply'd, or misapply'd to his own Use. If a Person against whom there was an Indictment of Robbery, should be as weak as to plead that formerly he was Tenant in common with the Persons robbed, and that by his Management and Advice, together with the Approbation and Authority of some other of the Tenants, he had gain'd for them as much Money out of their Estate, as that of which he robbed them, tho' all the time he did but the Duty of his Place, and besides he had a very great Allowance for his Mananement and Advice; Is this any Plea in Law, or would it have any weight with a Jury to acquit him?

But to examine his Facts, he says *a whole Dividend is in a round Estimation, 2000 l.* Any one that deals squarely, and can tell Twenty, knows in the present Proportion it can never be so much, tho' all the Senior and Major Fellowships were full, which seldom or never are. Next, to shew he has not lessen'd the Value of the Fellowships, and to make them seem great, he reckons by *half Dividends*, tho' they are oftener voted by whole, and a half is no more than 12 l. 10 s. at most, to Forty four of the Juniors, and to some less. Neither can I find above nine of those *half Dividends* in his time, tho' in less time, immediately before, there was thirteen. His Computation should have been made from his own time, and the same next preceding, which is nine or ten years; but to
serve

serve his purpose something better, he is pleased to go so high as seventeen years: But then as he reckons four more now ready, when the Money is only in the Tenants, and not in the Bursar's Hands; he ought with better reason to have deducted three of the *Half Dividends* which he reckons in his time, because they were owing to the Care and Management of Dr. *Stubbs*, our present Vice-Master, then Bursar; who had got between two and three thousand Pounds actually in his hands, when Dr. *Bentley* first came to College, which he deliver'd over to the succeeding Bursar, by the strength of which those three *half Dividends* were paid; tho' he paid besides a full Dividend every year during all the three years he was in the Office. And because our Doctor uses the word *paid*, which serves his purpose better than *voted*, I may say there has been but one half Dividend paid since his first three years, for I do not reckon that which he forced 'em to give to the Chapel.

As for the Price of Corn in his and other times, it is not worth while to examine; but his *Demonstration that the Fellowships have been better in his time than before*, happens again to appear the contrary: Let him make *knowing Men in the University, or our own College, say what they please*.

What remains of this, and the next whole Paragraph, is entire Scandal, not worth refuting.

After he returns to his Witticism of *dolorous Complaints for want of Peace*, and the dismal Style of the *Petition*, and cannot reconcile how the Peace should be *disturbed* in 1700, and after *wholly broken*; and yet the Fellows tho' they could not be *wholly silent*, might retain such a *peaceable Disposition*, as to be unwilling *publickly* to complain to their *Superiors*: if he don't think this consistent, I don't worth my while to enlighten him.

At

At last he comes to one of his *grand Projects*, for altering the Proportion of the Dividends, which together with another, for what he call'd an *honourable Composition*, for the Profits of his *Master'ship*, which he tack'd to it, and which was in fact 700 *l. per Annum*; and which he is so ashamed of; that he does not once mention in his Letter. These indeed he might truly say, were the great Causes of giving his *Lordship the Trouble of this Petition*: For tho' the College, and many of its Members in particular, had been insulted, and rid for many Years as by a Beggar set on Horseback; yet they bore it with incredible Patience, only venting their Passion and Resentments in Conversation. And if it had not been for those two bold Attempts, of making so great an Alteration in their Properties, and with such a visible Design of Self-interest; in all probability, they would have continu'd no better than Slaves to this Day.

But these Projects provok'd them beyond the Patience of Flesh and Blood. Nevertheless, they being but Attempts, are not literally within the Statute *de Amotione Magistr*; tho' they would be great Articles before a general Visitor, especially against a Master; who by his Office according to the Statutes, to which he is sworn, is so to manage the College Business, that he should not so much as seem to seek his own, but only the common Profit: So says the Statute, *de Officio Magistr, Res Collegii & Negotia ita administret, ut non suum sed commune solum commodum querere videatur*. But how far these Attempts as being farther instances of Breach of Oath, may come under the general Head in the 40th Statute, *de quovis consimili crimine notabili*, I leave to the Judge to determine: And as I have undertaken to answer what he has thought fit to write, there is

Coll. Stat.
cap. 2.

the same Reason, I should say something to these Projects, as well as I have to other things, not very pertinent, only as he has thought fit to mention 'em,

'Tis not to be imagin'd, he will want fine Words, and Colours to gild this, which seems to the College and others too bitter a Pill to be swallow'd: Therefore he says, it is to the Advantage and Honour of the College, and the greatest Benefaction he ever did, or could do to the Society: Therefore he resolv'd by God's Assistance to try it, and could not think of Dying; (he meant Living) comfortably, till he had made the Experiment.

New Methods of Dividends;

———*Duplices tendens ad sidera palmas,
Talia voce refert.*

This is the first Time that I ever heard him play the Hypocrite so far as to ask God's Assistance, in any thing; or talk of dying comfortably; but 'tis easy for any Body to play the religious Hypocrite in writing; a Letter does not blush; but 'tis not every body that can, nor I never knew him act that part in Words: His Manners are so foreign from any thing of this Nature, that he wou'd have betray'd himself, if he had but used such Words in Discourse. I think he once did take upon him to admonish one of some standing, to keep Chapel; but he betray'd himself so far, as to drop these Words, *he should have the Face of Religion, for it would do him Service in the World.*

But to his Projects, the first was to make the Dividends, in Proportion to the Statutable Stipends, which is more to higher Academical Degrees, than to common Master of Arts, but most of all by many Degrees to the Master. He gives you a particular of the Stipends, &c. The

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Master's

P. 65.

Master's brings up the Rear, but not without a new Demand at the end of it, under Colour of the Statute. He says by the 43^d. Statute, it is declared, that every Year shall be allowed to the Master for Livery 4 *l.* for Stipend and Commons 100 *l.* besides *the keeping for him three Servants, three Horses, and the furnishing his Lodge.* This of *furnishing the Lodge*, he has great Reason to hook into the Statute, if he could; but it is as impudent a Demand, as ever was made under that Colour. 'Tis true the College is to keep three Horses for his Use, when he goes out about College Business; and as many Servants; besides the Livery, Commons, and Stipend he mentions; but there is not one Syllable of *furnishing his Lodge*, no more than there is of the *American Kings*.

Ibid.

After these Statutable Allowances were made, and other Exigencies of the College answer'd, what remain'd, was to be laid up *in turri*; he suggests, *for Repairs and Improvement of the Building*: 'Tis wonder he does not say for the Lodge, the better to countenance what he has done. But the Statute is silent, and the Repairs are before particularly provided for, and allow'd by Statute; however it does not mention any Dividend at all.

His History of 'em I can't disprove, and shall be therefore so civil to him, as to allow it to be true, tho' I have detected him of falsifying in so many particulars. I shall only observe, that the first known Proportions which he gives us, were but three Times as much to the Master, as to a Senior Fellow; which I am inform'd is yet the most general Custom in great Colleges, and Cathedrals; tho' in others but double, and in some equal, as in *Trinity Hall*, &c. but no where six Times as much as to a Master of Arts, as in our College.

College. And this continued between Master and Seniors till the Restoration, and from thence to this Day: But before the Restoration, there was three Alterations in the Proportions of the Junior Fellows, all to their Disadvantage; which yet continues. And to shew how apt those in Power are to oppress their Inferiors; this new Proportion design'd by the Master, (tho' he says 'tis in the Name of the Juniors, that he presses for this Reformation,) would have been much more to their Disadvantage, at least till they took their Degree of Batchelor of Divinity; which they could not do at the soonest, till above seven Years after they were Fellows.

Therefore if the Junior Fellows, who have been injured by every Alteration, are, in regard to the long and quiet Continuance, willing to let these Proportions remain as they are: The Master who has been every Time a Gainer upon them, and has now more in Proportion than any Master, Head, or Dean in *England*, as I am inform'd; certainly he ought to have been the last Man that should endeavour an Alteration, unless out of Justice to bring down his Proportion, and not to attempt a farther Encroachment.

The statutable Stipends are, to this Day, paid according to the Proportions in the Statute; but why the Dividends should not be paid in that manner, or any ways alter'd; I will offer three Reasons.

1st, Because they have continued, in the same Proportion, between the Master and Seniors, from the very beginning that appears; and between the Junior Fellows, and the Master and Seniors, for about fifty Years: So 'tis reasonable from this length of Time, to presume there was some Legal Authority, or Rational Foundation for it.

2d Reason. Because if the Proportions are alter'd according to the Stipends, it would be manifest injustice not to allow, to every individual that has a Stipend by Statute, the same in Proportion to the rest: Which the Master never proposed, but deny'd to do.

3d Reason. Because the Dividends must arise out of the Corn Money, which by Act of Parliament is apply'd only to Diet and Commons: And if afterwards there be no occasion to apply it all that way, but they are permitted to divide it, certainly it ought to be divided in the same Proportion as the Diet and Commons; which by Statute is to all major Fellows alike, without Distinction of Academical Degrees.

To the *First* of these Reasons, I never heard any Answer from the Master; but that what had been alter'd formerly, might be now; which considering the length of Time was not sufficient, the Authority by which it was done being unknown; especially to alter it in such a partial manner as he proposed, which was to exclude above half the Number of those, who are as much entitled to their Proportion of Stipends by Statute, as himself. Therefore, altho' the present Method is not every way Proportionable, neither to Stipends or Commons; yet 'tis better for the College to take things as they find 'em according to the Usage of their Predecessors, without too nice an Enquiry, than to make a partial Alteration of their own. For in the first Case, they only submit to a Precedent, which others, and perhaps rightly, have made for them; but in the last they are manifest Authors, and Actors of the Injustice themselves.

To the *Second* Reason, the Master gave three Answers; one was Vile, the other Weak, the third Nonsensical. As when 'twas objected to him, why

why he did not advance the Stipends of the Scholars of the House, in the same Proportion as his own and the Fellows; he answer'd, *Why will the Seniors be for that?* Being also ask'd, why he did not advance the Beadmen's Stipends, in their Proportion; which would have advanced some of them to 60 *l.* a Year; he answer'd, *One lives in Wales, and another in Yorkshire; do you think they will come to live here and go to Prayers for threescore Pounds a Year?* Tho' wherever they liv'd, they would be equally entitled to the advanc'd Stipend; and as much obliged to go to Prayers for one, as the other. And I believe there are very few in those Countreys, but that Sum would tempt to change their Habitation. The third was also in reference to raising the Scholar's Stipends. He said by the Corn Act, there was so much given away to the Tenants, (which neither he or any body can make out,) that the College was not able to augment them: As if the Tenants should get all from the Scholars, and not in Proportion, from the Master and Fellows, when they are all the same Corporation, and the Revenue is proportionably due to all.

To the third Reason, he did offer to prove, that we once spent more Money in Commons, than the Corn Rent amounted to; and therefore, the Dividends could not arise out of that. Not to trouble the Reader in this Place, with Calculations of that sort; I shall only say to it, that let the statutable Commons, Exceedings, Detriments, Stipends, Liveries, Repairs, and other Exigencies as they ought, be paid out of the Money Rent; and he may *divide* the rest, except the Corn Rent, Fines and all if he pleases, according to *Academical Degrees*; or put it in his Eyes.

But to shew that I will not always differ with the Dr. but will readily consent to Demonstration; (for whose Consent will not Demonstration force?) There are two things he has laid down in this Letter, which I will not deny. He sets down the present Proportions of the Dividends, and says, *this is a whole Dividend, and a half Dividend, is the Moiety of these Sums.* He says again, *a whole Dividend, is made by multiplying the Stipends of the several Degrees, by the same number Ten; and a half Dividend is made, by multiplying the Stipends by five; in these Points we two learned Men agree.*

P. 70. But the Agreement does not last long, for his next pretended Demonstration, if it were one, is frivolous and immaterial; besides, the Assumptions and Grounds upon which he builds, are precarious: As *that a half Dividend, and no more, may be reckon'd on as certain and regular, one Year with another;* when 'tis hoped, there might be a whole one, in the old Proportion, if the Expences of the Lodge were confin'd within the Statutes. Or that a Fellow's Commons, *costs twenty, six Pounds a Year, besides allowances for Festivals;* when with those allowances, including Wine, they cost but between 24 and 25. Neither is it Demonstration, that the old Stipends were six times the Value of present Money. For as he reckons, the middle Price of a Quarter of Wheat, in the 18th Year of Queen Elizabeth, to be 6 s. 8 d. a Quarter; (not to dispute whether that was the middle Rate then or no) and the Middle now at 40 s. yet by the same Reason, as the Price of Malt is in the same Statute reckon'd at 5 s. a Quarter, he must reckon it now at 30 s. which cannot be allow'd. Neither can the Disproportion be supposed to have been so great as he makes it, for 15 l. so high

as in *Henry 6th* Time, was about the Value of 20 *l.* now, as has been made appear by the present Bishop of *St. Asaph*, in a Treatise writ by him not many Years since upon that Subject. I read it soon after it came out, but not being able to find it at present, if I have misrepresented the Sense of that Bishop, I humbly beg his Pardon.

'Tis now visible, upon what solid Grounds, not only his Scheme, but this Demonstration is built; nay, if I should let it pass for one, all that he does, or can infer from it, is, That because 6 times 5 *l.* is thirty, and 6 times 4 *l.* is twenty four, and 6 times 2 *l.* 13 *s.* 4 *d.* is 16 *l.* he has therefore *lit upon the true Scheme, for the Restoration of the College to its original Plan, laid by the Founder.* That the Sums so multiply'd amount to so much, have been Demonstrations from the Foundation of the World; but for one to the Purpose, he must seek further; for this will not pass for one, with any Body but himself. For how can it be said, to restore the College to the Founder's Plan, when his Proposal was not to restore the same in Proportion to half the statutable Stipendiaries? And if it were the ancient Plan, what is that now to the Purpose; when a greater than the Founder, commonly call'd the *Corn Act*, has since interposed, and apply'd then a Third, now generally above two Thirds, to Diet and Commons?

His chief Reason, why he has *lit upon the original Plan*, is, *the exact Coincidence of the Sums, which could not have fallen out by Chance.* 'Tis pity the *Corn Act* it self, from whence he endeavours to prove it, and the Bishop's Treatise shou'd have spoil'd this *Coincidence*, Argument and all. But he need not have fear'd any Body, wou'd have reckon'd that to be chance, which he confesses to have studyed six Years; tho' another

P. 71.

that had studyed it but six Hours, to all Appearance, would not have been so grossly in the wrong, or offer'd so bungling a Piece of Work. For wou'd not any one of the most ordinary Capacity, that upon any pretext had a Mind to advance the statutable Stipends to the present Value, have made a better Conjecture from the *Corn Act*, and not have taken it as he has done by halves? And when by proper Mediums, they had made a probable Estimate of the Proportion of the former and present Value of the Stipends, would they not have multiply'd the Stipends accordingly? Which wou'd have been a plain and obvious Method. As for Example, supposing the Ancient Stipends equal, to six times the Sum of our present Money, as he says they are: What would any one do but multiply the old Stipends by six, which would make the primitive Value and present equal; and would have advanced a Docto'rs to 30 *l.* a Batchelor's of Divinity to 24, and a Master of Arts to 16, And if he had done the same to all the Stipends, it would have restored the College in that particular, to the original Plan, laid by the Founder, if the *Corn Act* would have permitted. And it might have been more or less, according to that Proportion, as the College was poor or rich; no matter whether under the Name of Stipend, or *whole Dividend* or *half*. For what Necessity is there for him to give Names, of a *whole Dividend* and a *half*, when he owns, a whole one was never to be expected? And what occasion for multiplying by *ten* and *five*, when that way, neither his *whole Dividend* at all, nor the *half* makes the present Value, without adding the old Stipend. For his Docto'r's *whole Dividend*, ten times the Sum of his Stipend is 50 *l.* and consequently half is but 25 *l.* and not 30 *l.* the present Value. The same
may,

may be said as to the other Stipends, without adding the old Stipend; yet he is so self-conceited, as to applaud himself for the *exact c* incidence of the Sums.

P. 71.

'Tis hard to imagine what his Design was, of multiplying by *ten* and *five*, when it seems to make such bungling Work. But we poor Folks are suspicious, and think there is a Snake in the Grass, upon account of this Number *ten*. Perhaps he has a Scrap for it out of some old Statute or Fugge; or perhaps he might intend it only for a Bubble, to make the junior Fellows, who he pretends he solely contends for, believe, that their Dividend was augmented from 25 *l.* to 26 *l.* 13 *s.* 04 *d.* and that the Seniors were not to lose by setting theirs at 50 *l.* Whereas the former Dividends were much more to each than the latter, considering the Difference of the Sums out of which the Proportions arises; and in effect the Juniors were to have but 16 *l.* for the 25, and the Seniors but 25 for the 50; for he tells them above a half Dividend could not be expected. And if this last only, as I see none else, was his Design, the multiplying by six and twelve, would have answer'd that end better, and it would have appeared more plausible and easy, and *the Coincidence* of the Sums not a jot the less miraculous.

Yet notwithstanding this new Method appears to be against such long Practice, and upon account of the Partiality, against Justice, and against an Act of Parliament; yet he thinks it *Tanti* to introduce it, and will endeavour to prove from Reason and Experience that the present Custom has already been, and ever will be, if continued, the Pest and Bane of the Society: Would that prove that he has any Authority to alter it? Or can it by Law be put in his Method, without the joint Consent of the

Ibid.

P. 71. the Founder, and the College? How can he say *it has already been the Pest and Bane of the Society?* Has not ours, and most of the Colleges, in their present Method, continued in a flourishing Condition the greatest part of the time, since their Foundation, without these Encouragements for Academical Degrees? And have those few who are enjoyn'd to take some Academical Degrees, visibly in a more flourishing Condition than others? On the contrary, if this Assertion was true, what a wretched Condition must the greatest Part of the College have been in hitherto? And that his Method is the only *certain means of making them flourish*, is nothing but a piece of Arrogance and Impudence, and there is no more in it than 1000*l.* a Year for himself; which, next to as much more as he can get, is *the only and certain means, in all human View, to make him flourish for ever.* One may say, according to Tradition, Reason and Experience, there was never such a *bane and pest* in our College, as himself, since the Foundation.

P. 72. As for the Objections made against this Proposal, tho' it is not usual for him, in this Letter, to take notice of any that might be made, but only to put the best Gloss he can, right or wrong, upon what he advances; yet here he seems to insult over some that were made in Writing by Dr. Ayloffe the University Orator (not by the whole Posse, tho' none would be ashamed to own them) which he says, *upon one slight Reading were all answer'd by him, and have been examin'd, refuted, exploded, renounced;* and he prints a Certificate to that purpose, which for Elegancy of Style and Sense, I desire also may be compared. It is under the Hands of two junior Fellows, who have been influenced by the Master (which has too often happen'd of late Years) to do things to the Hazard of their Reputation. And therefore,

and from the reason of the thing, I must rather believe what Dr. Cressar (whom the Certificate mentions to have been present) told me in his Lifetime, and what Dr. Ayloffe now says; which was, that the Master gave him ill Usage, and told him *it was his Business to hear, and not to speak*; and that in effect it was the Master that receded. For Dr. Ayloffe having writ chiefly against the Master's Papers, in the first of which he had pretended to demonstrate that his statutable Stipend was 85 *l.* a Year, and could not be less than 80, and in the second he pretended he was contented it should be but 40; and in this Conference, when he acknowledg'd he had found out it was but 20, then indeed Dr. Ayloffe did say he was satisfyed; but it was upon the Master's yielding what he had chiefly written to prove. For the Drift of Dr. Ayloffe's Paper was to make out chiefly that the Master's Stipend was not above 20 *l.* For the Terms of the Composition were not then publish'd; tho' Dr. Ayloffe, in that Paper, had endeavour'd also to shew that there could not reasonably be any Composition for such things which had been enjoy'd only by Sufferance, and not by Statute. And this is what Dr. Ayloffe *did, dares, and does acknowledge*, but the Insolence, Arrogance, Falshood, and Avarice of one side are *not conveniently own'd*.

P. 72.

P. 73.

Next he makes some shrewd Conjectures what would have been done, *if the Dividends had been first settled in peaceable times*, and that on July 7th. 1648. *because his Majesty was murder'd, and no farther Danger feared, they incroach'd more upon the Society*, I suppose he means the Master and Seniors did. This is very Politick, and, without doubt, the College regarded the times, and the times the College, very much in these Trifles; much as they have done since, and always will,

P. 74.

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in all Probability, 'till they have nothing else to do. And this Argument is grounded upon as true a bottom as most of his other; for, by his own Account, *Dividends* began in 1630, and for ought appears, in the same Method as they are now; and then he must own there was Peace. And any School-Boy will tell the Chronologer that the 7th of July 1648. was not *after his Majesty was murdered*; yet that he gives for a Reason of the last Incroachment.

P. 73. It wants Explanation too, what *unknown Privilege the seven Seniors then book'd in to themselves upon another bottom*. I suppose he wants *busb* Money for concealing it. And how can he make out that Dr. Hill could *invite Dr. Metcalfe from St. John's to take the Vice-Mastership*? For 'tis plain, by our Statutes, none can be Fellow of our College that was not chose so before he was Master of Arts; and none can be Vice-Master unless Fellow. 'Tis very dull and tedious taking notice of these, and some other things he there mentions.

What follows is a shallow Banter and Contradiction, 'Tis in the Name of the Juniors that he presses the Reformation of *Dividends*, put it once upon *Academical Degrees*, the Fellows of the last Years Election, who from the first will have, says he, at a whole Dividend, 26l. 13s. 4d. instead of the old 25, can in seven Years time, by taking the next Degree, advance to 40, and at five Years more arrive at 50. He should have said, if the Expences and Extravagancies of the Master don't prevent it, they would have 13l. 6s. 8d. at first, and after seven Years they would advance to 20l. and after five more arrive to 25, the top of all. For 'tis but five Pages before, where he made it the Ground of his Demonstration, that a half Dividend, and no more, may be reckoned on as certain. This, says he, is a *seasonable Assistance to supply 'em opportunely*

tunely with Books, and equip them for the World abroad. He may reckon it enough for them, but after they have bought themselves Necessaries with it, they must be content without Books, or run a tick with the Stationers for 'em. And as for the *World abroad*, if their *Fellowships* are not *quitted* before the time he mentions of their being Doctors, they had as good stay at home, for any Preferment they are likely to get; for that is too late to begin listing into the Service of any Patron, by which Preferments are generally got. For who by Right and Reason should they prefer, but those who have serv'd 'em, if they have Merit? which now grows under every Hedge as far as is required for the necessary Qualifications of any Office. This is chiefly owing to the general Encrease and Improvement of Learning in the World; especially in this Nation since the Revolution; by reason so many have been necessarily imploy'd in the great Affairs which have since that time been transacted.

But our Doctor goes on, and very absurdly acts like a piece of a Physician, call'd a Mountebank; and would make both the Seniors and Juniors believe, that this Pill of his, the new Method, is a *Catholicon* for them all; and that every one is to gain by it: As if the College he pretends to have so much improved in *Learning* should have so little Mathematicks as not to know if any Sum, suppose 2000 *l.* that used to be divided among 60 People in any certain Proportion, and after when it comes to be divided amongst the same Persons in another Proportion, that it could not possibly be that all must gain by it. Is it not demonstration, beyond any that he has laid down, that by altering the Proportion, what one gets, another must lose?

P. 75.

P. 76.

He proceeds and says, that *the present way of Dividend is a Curse and Plague to the whole Society by banishing all superior Degrees out of the College.* If that be a Curse and a Plague, 'tis such a one as neither the College nor any Body else were sensible or ever complain'd of since the Foundation. And for his three Facts which he asserts upon this; that since this way of Dividends (which has been ever since there were any) *no publick Commencement Act had ever been kept by any of the House;* and that *since the Restauration, 'till his coming amongst 'em, but three Persons had legitimately taken any Degree above Master of Arts;* and that *it is a thing known and acknowledg'd, that had not he been their Master, the whole Society had at this Day been meer Masters of Arts.* I shall not trouble my self so much as to enquire after the first, nor how many publick Commencements there have been in that time; but as often as there have been any publick Acts, they have been generally kept by those who have Preferments abroad. As to his second, I can speak for thirteen or fourteen Years before his coming; and even in that time, there were above twice the Number of Doctors above what he mentions, besides Batchelors in Divinity, whose number I can't exactly compute at present, but I shall not question the *Legitimacy of their Degrees.* His third Affirmation, the Truth of it cou'd not be known or acknowledg'd. For could the Minds of so many People that are and have been of the College in that time be known by him, or even by themselves in relation to such a matter, of which they seldom determine long before they enter upon it. And as to the thing it self, would it have been a farthing matter, if all the College except the Master's Worship, and Dr. Stubbs, and Senior Dean had been but mere Masters of Arts,

to this Day, for that Degree would have been more suitable to their Income.

He again cites King *Edward's* Statutes, tho' <sup>Academi-
cal Degrees.</sup> they are an Argument as before against himself. For if they enjoin'd the taking Degrees even to that of Doctor, and the new Statutes do not, is it not plain that the Givers of our new Statutes thought there was no Advantage to the College to continue that Injunction? And as 'tis his Custom either to begin, continue or end his Argument with a round Falſity, ſo here, he ſays, the *Capacity to the higheſt Offices as of Senior Burſar, Senior Dean, Vice-Maſter, and Maſter, are ſtill continued in thoſe Degrees*; tho' he can't but know that by our preſent Statutes, the Maſter need be only Batchelour of Divinity, the Vice-Maſter with the Qualification of *ſi commodè fieri poteſt*, and the Senior Burſar is only a Maſter of Arts; neither does the Statute require him to be otherwiſe.

What he next calls plain, is a ridiculous pedan- tick Banter, *that the College Honour cannot be ſup-
ported without theſe Academical Degrees or Honours*; and he that thinks otherwiſe knows very little of humane Nature. Every body knows the Doctor is a great Penetrator of humane Nature, and is much read and practiſed in Men and Manners,

P. 72.

Qui mores hominum multorum vidit & urbes.

And therefore it would be very bold to queſtion his judicious Remark upon it. But Men of ordinary Judgment, who yet know ſomething of humane Nature, are apt to think, not any great Reſpect can be procured merely to a Doctor's Degree; eſpecially if the Perſon has not where- withal to find him Scarlet and a Servant to follow him to *St. Mary's*. They could only think
ſuch

such a Man to be proud and conceited for affecting to take a Degree above his Fortunes. What is it but Vanity, for a Man who, even with the Addition of his new Project, is entitled to little more than 25 *l.* a Year, besides a little Mutton, to take a Doctor's Degree, which is generally reckon'd to give him Precedence before most Gentlemen, tho' of many Thousands a Year, and in very considerable Offices in the State. The old Law of enforcing every one of 40 *l.* a Year to take the Degree of Knighthood in this time of Wars, wou'd be more reasonable. How wou'd taking a Degree restrain 'em from taking *undue Liberties*, or going such *Lengths of Debauchery*, as he scandalously says they do, if the Sense of being in holy Orders, and the Obligation to Religion and Morality will not? Is it not a Jest for him to talk to any one that ever was at the University, that it would be a *Contempt not to take these Degrees?* or that his *Learning, Manners and Progress in his Studies answerable to their Beginnings must pass the Probation* before they can take 'em? Can he find one Fellow of a College of due standing, who has such want of Learning or Manners as to be deny'd his Degree if he went about to take it, paying the Fees? Is there one but what can do all the Exercises required by Statute? Has not the University now more Learning and better Preaching in it, than ever it had from its Beginning, notwithstanding the *old way of Dividend?* and don't they really want more an Increase of that, than of *Academical Honours?* Yet he hypocritically writes, for he can't speak it so as to gain any Credit, *'till this Pest is extinguish'd, there's no Comfort for a Master to labour for a short Reformation, which will die either before him or with him.* I am confident, that of true Reformation,

P. 79.

P. 78, 79.

tion, is a Labour, that will never make him *old or infirm* before his time.

He is, innocent Man, so far from *designing to depress the Seniority by the Alteration of Dividends*, that by it *their Authority and Honour will highly encrease even to the first Elevation of King Edward's time*. Quanto strepitu! quanta nuge! but the best Bubble is. that no Money is withdrawn from them by this way: For, says he, *If these present Seniors have fifty Pounds a piece, by standing, the future will have as much on a more honourable Head; as if 50 l. out of about 3000 l. by the new way, was the same Advantage to them as the same Sum out of less than 2000. by the Old; neither could they ever expect that 50. if his former Demonstration be true, that a half Dividend and no more could be reckon'd on.*

P. 80.

P. 70.

He next presents the Reader with a Clause, which he says, *he laid before the Seniority as part of his Proposal*. There are three Reasons why he ought to have here omitted this Clause: 1st, Because 'tis a grand Falsity that he ever laid it before the Seniority in publick, or any one of them in private: I cannot hear that any one of 'em ever saw it, 'till in Print. 2^{dly}, Because, if he had laid it before 'em, what could be the true Design of it, but a Bribe, as he says before, *to stop the Mouths*, not only of the eight Seniors, but of the next eight to them? for 'tis but a poor and false Pretence, that they are so old, or that they want Learning or Manners to qualifie 'em for their Degrees; and what Justice is it, by his new Method, that the last eight of the sixteen shou'd be on any other foot than of Masters of Arts, if they have no other Degrees? He found the excepting the Seniors out of his new Interpretation of the Statute about disposing of Chambers and

P. 80.

P. 81.

L

Livings,

Livings, had been of Service to him before, and he expected the same now; for 'tis plain by his treatment of 'em all his time and in this Letter, that he did not do it out of any Love or Tenderness he had for them. The Clause is, that the eight Seniors, tho' neither Doctors or Batchelors in Divinity, should receive 50 l. the same as if they were; *and the present ninth and tenth Man* (because they were occasionally of the first eight Resident in College, and of the governing Part to consent to his Projects) should receive also 50 l.

P. 81. *as soon as they shou'd be of the eight Seniors, tho' no Doctors; and each of the last six of the present sixteen* (the particular Acquaintance of the Seniors) shall receive 40 l. tho' no Batchelors of Divinity. 'Tis easy to judge of the Design upon the very face of it. But here appears the third Reason why he ought to have omitted it; for besides the false Grammar in several Instances, there is in it an egregious Blunder as to his *ninth and tenth Man*; *they* have no reason to thank him for taking no more care of their Interest; all their Pretensions are *invalidated, cassated, null'd and nonsuited* by his Blunder; for what Provisions has he made for them at present, till they are of the eight Seniors? They are neither among those at present, nor can they be among the last six of the present sixteen. If he did not make this Clause on *Sunday* the 12th of *February*, I suppose he kept it all the time before in his Pocket; for if he had, as he says, laid it before the Seniority, the ninth and tenth Men, who generally are among 'em, wou'd never have passed it over in that manner. But let the Seniors take care, and stop this Prosecution, lest *the same Favour should not now be granted, especially to all of them*; which is an Instance as well of his Policy in hinting a Threat, as of his

P. 86. Justice

Justice in distinguishing why the *same Favour* P. 81:
shou'd not be granted to all of 'em, as well as
 to any.

Neither was the Clause of the Master's Proposal for himself, ever laid before the Seniority, as he says, with the former; he touches here, but very tenderly, upon it; and is even ashamed to mention Particulars. All that is worth observing upon the general is, that it consists of nothing but *multiplying and encreasing*; and it has P. 82.
 been proposed so differently modify'd, that People of a vulgar capacity can't conceive how several boasted Demonstrations should be contrary one to another. At first he pretended to demonstrate his *Stipend* to be 85 *l.* which, according to the new Method, raised his *Dividend* from 150 *l.* to 850 *l.* tho', to give him his due, he in the same Paper did graciously condescend to say he wou'd abate the College 50 *l.* and take but 800 *l.* Afterwards in another Paper his *Stipend* was but 40 *l.* and then his *Dividend* was to be but 400 *l.* And at last in another, he own'd he had found out that his *Stipend* was but 20 *l.* and consequently his *Dividend* to be but 200. These Demonstration-Papers being so contrary one to the other, 'tis presumed he at last reckon'd his own *Stipend* so low, on purpose to prevail with the College once to make the *Dividends* upon the *stipendiary* Foot, which wou'd effectually do his Business. For when they had once agreed to go upon that Foundation, he might with some reason have urged that it ought to be the same to him in proportion to the rest; and he might afterwards have pretended his Reckoning his *Stipend* but 20 *l.* was a Mistake; and might soon have reviv'd his old Demonstration to make it 85. or perhaps 60 or 40 *l.* as he found the Jest would take. But what is very remarkable, as

to the honest Grounds upon which he proceeded, is, that while he was contented that his *Stipend* should be reckon'd but 20 l. and some of the Fellows were willing, considering the uneasie Life he gave them, to comply; but happening to ask him how he could bind his Successors? his Answer was, that *he would blind and confound things so as they should never know what was what*, which Answers this Query before made by himself, *how could he oblige his Successors to acquiesce?* So let the new Dividend rest for ever.

P. 82.

Bread,

Beer, Fire,

Etc.

P. 82.

He leads me next to that which will be another grand Article against him, his wasting the College Goods, viz. Bread, Beer, Coals, Turf, Sedge, Wood, Pewter, Linnen, &c. in his Lodge, and expending it on his Wife, Family and Boarders, directly contrary to all Reason and Statute. He says, *the Masters, instead of such a stated Encrease of their Commons, proportional to that of the Fellows, have for too long time* (I suppose he means to be taken away, and not for the Good of the College) *had by Prescription a right to Bread, Beer and Fuel at the College Charge for the Use of the Lodge.* Here is first an Implication, as if he had a right of Encrease of Commons proportional to the Fellows; and also that he enjoy'd it not, but instead, had by *Prescription* a right to plunder the College of what Bread, Beer and Fuel he pleas'd. 'Tis well he does not claim a right to the several other things he has taken.

As to his *proportional Encrease*, there is great reason to believe he is not entitled to it; for he has not the declared Will of the Founder for him, neither can it be presumed. For when the Founder had allow'd the Master 104 l. a Year for Commons *Stipend* and Livery; besides the keeping three Servants, and three Horses; and a fellow,

low, tho' Doctor of Divinity, was allow'd but 9*l.* 10*s.* 6*d.* for the three first, including Exceedings, and nothing for the latter; there soon was a necessity of increasing the Fellows Allowance to keep them from starving; but there was not the same for the Master's, who was before so amply provided for; the first was a necessary piece of Charity, the other an extraordinary Bounty; and there was no necessity or reason to suppose the Will of the Founder, or of his Successors, or any body else, to be to enlarge a Bounty in the same Proportion as they distributed a Charity; whether it was in Stipend, Commons, or any other way. However, it was not the Founder, but an Act of Parliament, that interposed for the Fellows Relief, which ought to be construed according to the Words and Intent of it, which Intent may be presumed not contrary to the Founder's.

The Preamble of the Act runs for the better 18. El. 6th. Maintenance of Learning and Relief of Scholars in the University, and enacts that one third of our Rent shall be reserved in Wheat and Malt, which is to be expended to the *Use of the Relief of the Commons and Diet of the said Colleges only, and by no fraud or colour lett or sold away from the Profit of the said Colleges, the Fellows and Scholars in the same, and the Use aforesaid.* Now the Fellows and Scholars Learning could not be maintain'd without this; but our Master's might; and 'tis express'd also to be for the Relief of Scholars, which Word is distinct from, and does not include Masters; for we are incorporated by the Name of Master, Fellows, and Scholars; and the University is by the Name of Chancellor, Masters, and Scholars. Besides, the Corn Rent is to be expended for the Use of the *Relief of the Commons and Diet of*

the said Colleges, and our Master had no need of *Relief*, especially in Proportion to the Fellows; and 'tis by no fraud to be sold away from the Profit of the said Colleges the *Fellows and Scholars* in the same, the Master not being mentioned, neither are there any general words to include him. If it had been Fellows, and Scholars, and *others* in the same, the last general words would not have included the Master, because it is a known Construction of Acts of Parliament, that where Inferiors are particularly mention'd, and there are afterwards other general words, they never shall extend to Superiors. As 13 *Eliz.* 10. enacts, that all Leases made by any Master, and Fellows of any College, Dean and Chapter of any Cathedral, Master or Guardian of any Hospital, Parson, Vicar or any other, having any Spiritual or Ecclesiastical Living, or any Houses or Lands Parcel of any such, or *other* having Spiritual Promotion; 'twas resolved this should not extend to Bishops, because Inferiors were first named. And tho' in this Act there is the word *College*, which without more saying will include the Master; yet here Fellows and Scholars being only mention'd, it shews to what particular Members of the College the Act design'd to apply this *Relief*; and therefore not only the Master, but the Singing Men, Choristers, their Musick Master, Register, and some Servants, which have Commons by the College Statutes, are excluded from it as well by this Statute, as the Usage, as to most of 'em. And this seems to be upon good reason, for the Master was well provided for before, and the others might get a handsome Subsistence either by serving other Colleges, or Persons, or by Perquisites; which the Fellows and Scholars could not do, except some few of the Fellows, which might be Col-

2. Co. Arch-
Bp. of Can-
terbury's
Case.

College Officers or Lecturers. The Master therefore is so far from having a right to the increase of his Commons, that in strictness he ought to have a third part of what the College Statutes allow'd him, taken away; for it is plain the Corn Act has taken a third part of the Rent, out of which it was paid, away from the former Uses, to which it was apply'd by the Founder, and apply'd it to the Persons Commons before mentioned; so that I don't see but all the Persons provided for by Statute must lose a third of what they had, and only those who are meant to be reliev'd by the Act of Parliament, can have that loss repair'd in their Commons; especially if the two thirds of the College Rents remaining should not be sufficient to discharge the whole Statutable Allowances, Exigencies, and Necessities of the College; and to have some Bank in the Treasury besides, if possible, as the Statute requires. But then it may be Equitable, that the Statutable Allowance should be made good out of the Fines, for they are paid in lieu of the two remaining third parts of the Rents. I only speak this as strict Law, which might be asserted upon necessity, and ought to be against any new and unreasonable Demands; tho' I don't know any Persons concern'd in our Disputes, but are willing things as to this point should continue as they are.

What I have said upon this matter, I willingly submit to better Judgments, because it may in some measure affect some Masters of other Colleges, whose Statutes may be like ours, who yet enjoy the benefit of the Corn Act; but since they live peaceably with the rest of the Members, and administer their College Affairs honestly, I would be far from being the occasion of making any difference between them and their Fellows; tho' I do

really believe those Masters only are within the Corn Act, who wanted Relief in their Commons; and that no farther than what shall be thought a sufficient Relief as the Master and College should agree, and if they could not, as the Visitor should appoint.

How our Master's Stipend and Commons came to be jumbled together in our present Statutes, I know not; 'tis probable they may be distinguish'd either by the Charter of Incorporation or the old Statutes, neither of which I ever saw; for there was once a Distinction; because our present Statute says, that if any Benefactor, Farmer, or out-lying Officer of the College, be invited to the Table of the Master, major Fellows, or Scholars, the College is to bear the Charge; but if the Master, or any Member of the College, invite any else, he must pay the College the Value of the Dinner or Supper. By this 'tis plain the Master, major Fellows, and Scholars, had distinct Tables, and that the Master had also a distinct and certain Allowance of Commons, which neither could he dispose of, or give away at pleasure; for if he could, to what purpose should an Account be taken of, and he appointed to pay for what Persons he invited? It must be supposed either that his Commons were not enough for a Stranger to partake with him, or if they were, that he had not the Liberty to do what he pleas'd with 'em; but what he did not eat himself was to be left for the Poor, or some other particular Use.

What a Violation therefore of the Statutes, is it for him to take not only his Commons, but what he has encroach'd upon that Pretence, and spend according to his Will and Pleasure, even upon a Wife and a large Family, when by the express Statute, he is to be expell'd for Marrying?

And

And tho' he pretends the Queen's Dispensation for it, in his Patent; yet if it be so, since the Queen or Her Predecessor the Founder, has reserv'd in the Statutes no such Power, if She could or would dispense with the Statutes in that Case, and according to his Position the Expences of the Lodge (which the College, he says, are to bear) *must vary according to the Number of the Master's Family*, that would be in Effect, for the Queen not only to take away part of our Statutes, but part of the Revenues also, which She had before granted, by applying of it from the rest of the College to the Master's Lodge; the dispensing Power never was carried so high as that the Crown could take away what they had given, or derogate from their own Grant. And 'tis presumed this Queen will not extend or exert it, for the sake of such a worthy Library Keeper. Besides as to this matter of Marriage, there is a Letter from Queen *Elizabeth*, confirm'd by Act of Parliament, which prohibits Masters to bring their Wives into College, on pain of forfeiting their Masterships.

P. 82.

But to return to the Master's Commons; if he be entitled to the Encrease of 'em by the Corn Act, and that in proportion to the Fellows, beyond a sufficient Relief, even to *greasy Luxury*, which also I submit to the Opinion of better Judgments; yet certainly he ought to have 'em only according to the Intent of the Statute, which is not to expend on a Wife, Children or Boarders, or at his Will and Pleasure. Neither ought he to have any Allowance for 'em when he is absent from College, any more than the rest of the Fellows have for theirs. What tho' his Stipend and Commons are blended together in the present Statutes? yet the College ought not to suffer by that;

but

but it lies upon him who makes the Demand, to ascertain how much his Commons are, otherwise neither the College or Visitor can in Equity allow him any more than other Master have, in Proportion to their Fellows, with proper Regulations according to the particular Statutes; and that, I presume, our College are willing to allow any future Master.

P. 82.

Having left the right of the Master's increase of Commons, and the Proportion, to better Judgments; 'tis proper to examine into that crafty Insinuation of his, as if he had not that *Increase*, and therefore *prescribed for a right to Bread, Beer, and Fuel, for the Use of the Lodge, instead of it.* But if it appears that he has that *Increase* without Bread, Beer, or Fuel, what colour is there left for him to take those?

Each Master of Art's Commons, together with the Additions on Festivals, and Wine, and their Allowance of Bread and Beer in the Butteries, costs the College yearly but 24*l.* 14*s.* 6*d.* and this they have no benefit of for the time they are out of College, except two or three for particular Reasons, upon College Business or Travel. The Master, besides his Statutable Commons, included in the 100*l.* a year, and Statutable Commons for his three Servants, has *extra* Commons, or increase of Commons yearly 41*l.* 12*s.* Audit exceeds 4*l.* Brawn 3*l.* 10*s.* besides 22*l.* 4*s.* for increase of his Statutable Commons of his Servants, tho' many others of the College that have Commons by Statute, yet never had any Allowance for the Increase of 'em since the Corn Act; so that the Fellows Statutable Commons, and Exceedings, which is yearly 5*l.* 2*s.* 10*d.* being deducted out of their present Commons and Exceedings, there remains 19*l.* 11*s.* 8*d.* which is
the

the increase of the Fellows Commons, including their Bread and Beer; and the Master's increase of Commons for himself and Servants is 71 *l.* 16 *s.* which is almost four times as great an Increase as a Fellow hath, without the Pretence of Bread, Beer, Fuel, &c. And tho' the Fellows Commons, with the Exceedings, are now almost five times as much as they were before the Corn Act, and we cannot say how many times as much his are, because the certainty of his Commons do not appear as being confounded with his Stipend; yet since his Increase is so great, how groundless is his Pretence to Bread, Beer, and Fuel to make it up *proportional* to that of the Fellows, if he had a right to such an Increase? And why must he be so Nonsensical as to claim it by Prescription? for in matters of right, we ought to talk according to Law, and the Gentleman of the *Temple*, his Publisher, could have told him that 'twas ridiculous to prescribe for any thing against an Act of Parliament; Prescription being nothing but maintaining a lost Grant or Title by continual Usage, when nothing appears against the right of it. There are many other things which he has taken yearly, to which he here claims no right, nor never can make out any. I will here insert but one Account, of which he has taken, besides his Statutable Allowances, and that in the compass of one year, tho' he was absent about half the time.

From the Senior Bursar.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Coals	63	12	00
Commencement Money	06	13	04
<i>Westminster</i> Election	05	00	00
Chamber Rent	24	00	00

From

Some Remarks upon

From the Junior Bursar.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Extraordinaries —————	47	10	08
Master's Gardener — — — — —	02	00	00
Billets —————	17	02	00
Turf and Sedge —————	14	09	09
Charcoal — — — — —	15	00	00

From the Pandoxator.

Ale —————	62	16	00
Small Beer —————	45	00	00
Bread —————	59	06	00
Flower —————	09	00	00
Bran —————	01	10	04
Dove-house —————	05	00	00

From the Steward.

Linnen, about —————	12	00	00
Audit Exceedings —————	04	00	00
Brawn — — — — —	03	10	00
Chandler —————	10	00	00
Extra Commons —————	41	12	00
Servants Commons more than Statute —	22	04	00

In the whole this one year, besides his Statutable Allowances and Dividend, he took 454 *l.* 6 *s.* 10 *d.* for one Farthing of which, there is no colour of Statute. And there are six or seven of those *Items*, which for any thing I can find, are original Encroachments of his own; and the rest he has enlarged to the degree of Amazement; How much Bread, &c. he had in reference to the whole College; and as much as two other Colleges in the University; and how much in compa-

comparison to former Masters, is reserved for the Evidence on the Articles; one single Article, that of his Fire, which amounts to 110 l. 2 s. 9 d. is so much, that scarce any Nobleman in *England*, I believe no Arch-Bishop, spent the like in the time; this Fuel must be sold, or otherwise embezled, for if he had kept a continual Fire in every Chimney of his Lodge all that time, it could not have consumed so much; yet he has the Modesty to say, *he dare stand to the Test, that in no one year his Expences exceeded what comparing the length of Residence* (which was never much with him and was now design'd to, and must by Act of Parliament, be less) *was expended by those before him.* Lest he should be thought by some to assert any thing that is material and true, I here insert for a Specimen and Comparison, what his immediate Predecessors and he, each of 'em, had in some of their last years.

P. 84.

Dr. Mon-

Some Remarks upon

Dr. Montague.

Senior Bursar's Books.

Anno		l.	s.	d.
1697	For Coals to the Lodge ———	19	19	06
98	—————	20	01	00
99	—————	21	11	06

Junior Bursar's Book.

97	Billets for both Affizes ———	02	16	00
	Turf and Sedge ———	02	16	06
	Pigeon Meat ———	02	10	09
98	Billets for both Affizes ———	02	16	00
	Turf and Sedge ———	03	00	06
	Pigeon Meat ———	02	10	09

Padoxator's Office.

98	Bread to the Master ———	22	06	00
	Flower Bushels 15			
	Small Beer Barrels 47 ———	21	03	00
	Ale Craggs 18 ———	03	12	00
99	Bread ———	25	13	00
	Flower Bushels 15 ———			
	Small Beer Barrels 54 ———	24	00	00
	Ale Craggs 36 ———	07	04	00

Dr. Bentley

Dr. Bentley.

Senior Bursar's Books.

Anno		l.	s.	d.
1707	For Coals to the Lodge ———	77	14	08
1708	—————	63	06	08
1709	—————	76	10	00

Junior Bursar's Book.

1708	Billets for the Lodge ———	17	02	00
	Turf and Sedge ———	14	09	09
	Billets for both Assizes ———	03	00	00
	Pigeon Meat ———	03	01	2½
1709	Billets for the Lodge ———	09	00	00
	Turf and Sedge ———	15	07	00
	Billets for both Assizes ———	01	10	00
	Pigeon Meat ———	05	03	05

Padoxator's Office.

1708	Flower Bushels 22 ———	09	00	00
	Bread ———	59	06	00
	Small Beer Barrels 100 ———	45	00	00
	Ale Craggs 314 ———	62	16	00
1709	Flower Bushels 13 Peck 1 ———			
	Bread ———	33	06	00
	Small Beer Barrels 101 ———	45	09	00
	Ale Craggs 38 ———	07	12	00

I can-

I cannot possibly set out the exact time of their respective residence in each Year, neither have I pick'd out these particular Years, to make the Difference appear so shameful on his side. I design'd to have taken the three last Years, of one as well as of the other, throughout; but all the Books the Fellows have in their Custody, will not enable me to do it any nearer. And tho' I hear he every where gives out that he has deliver'd up all that were in his Custody; yet in Fact he has not deliver'd up one relating to the Offices above mention'd, tho' the Bishop sent him his Orders to do it. He acknowledg'd he had receiv'd the Orders, and said he would deliver 'em, but insisted that the Seniors should all come to demand or inspect 'em in his Lodge, and give their Hands for the receipt of 'em, and such other Formalities, which shew'd he only intended to bambouze the Seniors, but keeps the Books yet in his Custody, neither can those now in the Fellows Custody, be supposed to have been cull'd in that manner; but with a Design to blind and confound what had been done formerly. However, these will serve at present for a *Test* of what his Modesty will affirm, and dares stand.

P. 84.

Yet he will have 'em all *Bentley's* in former Days, and would shelter himself under a common Clamour against former Masters, by saying *there has not been one Master, since the Restoration, that has not been calumniated on this account, and there are abusive Sayings upon each of them, that to this Day are convey'd down by Tradition, and sometimes make part of Discourse.* He had before very basely abused many of the former Masters, together with the Fellows, but now more directly all the former Masters, since the Restoration, must partake of his Scandal. I will answer for one who I lived un-

P. 83.

der above ten Years; his immediate Predecessor, whom I never once heard calumniated, or did once hear any abusive saying upon, during all that time, or to this Day; upon this or any other Account; and if such had been convey'd down by Tradition, and sometimes made part of Discourse, I could not but in all probability have heard of it; in above twenty Years Conversation there: I am sure such things of the Letter Writer, generally do make part of Discourse, and have done for this last nine Years. Before that Time, there was a general Unanimity and mutual Kindness and Friendship between the Fellows, as their Oaths and the Statutes require; and a general Love and Respect to the Master, and yet as much if not more Discipline, than there has been since, without Noise or Ostentation; and which is of more Value, without an Example of Wickedness and Irreligion at the Head. And it must be left to those who have long known Trinity College, (not to disparage the present for Learning, which visibly improves in the whole University every Day,) whether their former Spirit, Turn, and Character was not tho' another, yet as good, as the present. There are a Cloud of Witnesses, who remember great Numbers in the College, of a very good Spirit, Turn, and Character, no longer since, than in his immediate Predecessor's Time; and such went then out of it, as have done more good to the Publick, and all Europe by their Wisdom, and Learning; than probably will ever be done by seeking the Philosopher's Stone, or Star-gazing. And if this Man has used any Vigour, Resolution, and Art, it visibly appears, 'twas chiefly to raise up the Profits of his Mastership, in so short a Time to so high a pitch; and then fillily to plead Prescription for 'em: Tho' what he obtain'd above his Due, was by the

M

forced

P. 83.

P. 53.

Ibid.

forced Consent of some of those who by their Offices, and the Statutes, ought to have been *Sworn Opposers*, in as much as they ought not to have seen the College abus'd.

P. 83. He produces two Conclusions, one *August 17th 1636*, the other *September 14th the same Year* in *Dr. Comber's Time*, which he would have give him a Right to this Profusion of Bread and Beer; what he will produce for many other things he has taken, I can't imagine. The First is, that it was declared by the Voices of the Seniors, that *the Master should receive his Bread and Beer from the Bakehouse and Brewhouse, as the Masters had always done*; about a Month after, it was confirmed by those who subscribed it, he does not tell us how many, *that the Master should take his Bread and Beer without stinting of the Officer*. It appears, this was done upon Account of one *Dr. Roe*, who was *Pandoxator*, who 'tis supposed had denyed the Master some Bread and Beer out of his Office, and on his Complaint, the Seniors declare, that the Master should receive his Bread and Beer *from the Bakehouse and Brewhouse, as the Masters had always done*: There is no mention what Quantity that was; but the Meaning is explain'd by the next, that *he should receive it without stinting of the Officer*; which only shews, that it should not be in the Power of the Officer alone, to controul the Master; it does not say, that he should have as much as he pleased, or that the College or Seniors, could or would not stint or controul him. Nothing has been more frequent in almost all Masters Time, than for the Seniors to tell the Master at the Audit, that he had had too much Bread and Beer at the Lodge; and former Masters would generally say, they would take Care for the Future; and this Master has been often told the same, but with this Difference, that he never took any Care for the Future:

ture: But rather consumed as much as possibly he could, in all probability with a Design to obtain a *higher Composition*. I beg leave to make another Use of these Orders, for Precedents, that Dr. Comber took the regular Way against the *Roe's*, or the *Miller's* of that Age, by complaining to the Seniors: But our Monster has always took upon himself to judge in his own Case. To give but one Instance, The Bursar who is Sworn to his Office, part of which is, not to build any thing of above 5 *l.* Value, without Consent of Master and Seniors, under Penalty of paying it out of his own Pocket; (the Master of his own Head, having built a Hen House, or some such thing in his Lodge, which cost about 15 *l.* and sent the Bill to the Bursar, to pay it upon the College Account,) when he told him he could not do it by Statute; he, by his own Authority, without Complaint to, or Consent of the Seniors, put him out of Commons, and told him *he wou'd not be kick'd by an Ass.*

Notwithstanding, whenever the Master can make out his Right to this Bread, Beer, and Fuel, besides several other things which he has taken, and for which he demands a Composition; then, and not before, it will be proper to make one. And tho' the Seniors have no Power by Statute to do it; yet if they do it according to Reason, it is fit the College should, and, I suppose, will submit to their Judgment. But what a reasonable one Dr. Bentley would have had, may be seen by the following, which he proposed: *For Bread, Ale, Beer, Meal, Wood, Coals, Turf, Sedge, Pigeon House, Pewter, Linnen, Furniture, with a sham at last,*

	l.	s.	d.
Of Goods and Linnen for the Judges, &c.	108	00	00
Extra Commons, Pewter, Linnen, &c.	200	00	00
Stable instead of the old one 60 l.	100	00	00
Which is too much,			
Padoxator which is Bread, Beer, Flower, Bran, &c.	150	00	00
Which in all is,	558	00	00

Tho' there is not one of these Demands due by Statute, except the keeping of three Horses when he goes on College Business, 'tis true, he put out other Papers for Compositions for the same things, but he mix'd them together, *like Druggs*, in a different manner, as he thought they would most probably go down; but they all amounted to the same Sums. And what is the best Jest, this which he propos'd for a Composition, is more by about 50 l. than ever he cost the College at his height of Extravagance; unless he had a great deal more some Years than is contain'd in the Particulars before inserted, which I cannot say but he might have had. *I am sure that this, next to that of the Dividends, according to Degrees, is the greatest Blessing now wanting to Dr. Bentley.*

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ibid.

He calls it a *malicious Calumny* for the Millers to take notice of his having four young Noblemen and Gentlemen board in his Lodge, without making any Allowance to the College for their Bread, Beer, and Fire; this he reckons a Trifle, and he that has so truly answer'd so many *Calumnies*, can easily, he thinks, excuse this. How he comes to reckon the Number but *three*, I don't know, unless it be a sort of Aversion to Truth; or perhaps because one of the four was but a Gentleman, and he did not allow him, or he had an Aversion

version to Bread, Beer, and Fire. But one of his Excuses is, that *their additional Expence came much short of 20 l. in the whole.* Is it not an obvious Question to ask if they required so little what Rapine was it for him to take so much? If the Expence of so many Noblemen and Gentlemen *came much short of 20 l.* how could he, who if he be within the Corn Act, yet is the only Person that can be intitled to a Morsel, Drop, or Spark of College Bread, Beer, or Fire; how could he, I say, require all the rest of 284 l. 06 s. 01 d. which he had in one Year only, in those three Particulars? What can be a greater Evidence of Waste? This being a meer Point of Right between the Master and the College, I cannot think the taking some notice of it can be the least Reflection on the Honour of those Noblemen and Gentlemen, who paid him so generously for their Board, as 200 l. a Year each, and the Allowance of 20 l. a Year to a Tutor, besides an Allowance for other Conveniences. I hear he brought in a Bill to one of their Guardians of about 80 l. for Coffee, Tea, and Chocolate. 'Tis a weak Pretence to say he understood from the *knowingest Fellows* that Bishop Pearson had a Nobleman with him in his Lodge, and that Dr. Barrow and others used the same Freedom for a Master of Arts their Friend. If all these Facts were true, as I never heard they all were, was he ever inform'd upon what Reasons or Considerations they were there? Can he so much as tell that those Masters used the College Bread, Beer, or Fuel, without Stint? Or if they did, that the College had not an Allowance upon their Account? Is it not rather to be presumed they had? Can such be called the Practice of former Masters, when it is well remembred that Dr. North, within the Memory of some of the present Fellows, could not prevail with the College to let him have a little

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little Ale instead of the same Quantity of small Beer? What is an Instance of one apiece to four together, which might have staid many Years? Certainly nothing in regard of the College Statutes, or the Right or Reason of the thing. What can he mean by saying, *that it was not for that Trifle of a few College-loaves to deprive the House of so much Honour and Advantage?* Did they tell him beforehand they would not come; or after, that they would not stay, unless the College would find them Loaves? Would they not have staid as long there if he had paid the College for 'em, out of what they paid him? What Merit is it for him to make *Sash Windows to three Chambers in the Lodge*, (which I hear is one Sash Window to each Chamber) if it is true that he made them at his own Charge, after he had made so many at the Charge of the College? Did the College ever, upon their Charge, make a Sash Window for a Fellow? Or have they not done it upon occasion at their own? And were not these Sash Windows made for the Conveniency of these very Boarders? What if *he caused 200 l. to be paid to their Chapel?* It was not *proportional* to what most others gave; and when my Lord Kingston gave 100 l. I never heard that was given to him alone, or solely upon his Account.

P. 86. His next Paragraph is something extraordinary, he joyns with *the Petitioners in the Request to his Lordship, that he would appoint him to lay before him the Particulars they accuse him of; for then he will make bold to give his Lordship the Trouble of a second Letter, as a Vindication of himself, tho' not in a judicial way; I believe he will not to any purpose. But this is no more than to be bold to tell his Lordship, who is his Judge, that he will be again impertinent, and have no regard to him or the judicial way, but by refusing it, will be*

be *contumax*. If he be as good as his Word the College will not be sorry, because it will save them some Trouble and Charge; and the Articles, for want of an Answer, will be taken *pro confesso*; as they will if he puts in a true one.

But, according to the Example of great Orators, he has reserved the most substantial Exception to the last; which is, that the *Petition* speaking of the College in general, and of some particular Members that were of it says, *they* suffered by his Injustice, and *we*, who are also Sufferers, are necessitated to complain; which as he properly expresses it, does *so invalidate, cassate, null and nonsuit all that is said, that they must begin anew*. This is such another learned Exception as his first upon the Endorsement. In common sense every thing that is said of a College or any flux Body, in reference to what is past, tho' but yesterday, must without nonsense be in the third Person: As what can be more proper, or true, than to say Yesterday, and every Day, for almost ten Years before, the College, and several particular Members, *they* were abused by Dr. Bentley, of which *We* whose Names are subscribed, some of which were the particular Members abused, and the rest Sufferers by the Abuse of the College in general, now complain? If there are more such learned Men in the World, whose Learning only lies this way, they ought to begin all their Learning *anew*, for *they* are not to be regarded; neither do *they* deserve an Answer to such Stuff, till *We*, and the rest of the World, are as void of common Sense as themselves.

By this may be seen the Abilities of this *petty-fogging Divinie*, and who would have thought, but what a learned Man, a Master of a College, an Arch-Deacon, and a Doctor in Divinity, should print, would have at least some Colour of Truth

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and Reason in it? I defy the greatest Book-Worm in this Nation to produce any thing near the Size of this Letter wherein's contain'd so many vile, false, and frivolous Matters. 'Tis a common Observation, that there are more of those call'd learned than wise and honest Men, tho' I can see no other end of Learning, but to know what is Wisdom and Justice; and surely it could not be the last Qualifications that got our Doctor his Preferments. These many Facts being thus pointed out, his Qualifications will be easily known; in many things by the College Books and Statutes, and in others by enquiry of Persons of Reputation, who, in great Numbers, know the Craft and Falsities with which he has asserted and transacted most things.

I would not have the Reader think I have mention'd all the unjust Acts, much less the silly ones, he has committed since his being Master; some must escape my Memory, as well as the Memory of those who inform'd me, and more are proper to be reserved till we come to Tryal; where he will be so far from being acquitted for his being such a *vile bungling Sharper*, that the Cause wou'd go hard with him, by any Jury of that Profession.

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